

FIFTY-SIXTH DAY

(Monday, April 17, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gilmer
Allen	Goodman
Allison	Gordon, Mrs.
Alsup	Hale
Anderson	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Boethel	Harrell of Lamar
Bond	Harris
Boyd	Hartzog
Boyer	Heflin
Bradbury	Holland
Bradford	Howard
Bray	Howington
Bridgers	Hull
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Keith
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Derden	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Pace
Galbreath	Petsch

Pevehouse	Stinson
Piner	Stoll
Pope	Talbert
Ragsdale	Tarwater
Reader of Bexar	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Turner
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Wells
Segrist	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wood
Smith	Worley
of Matagorda	Wright
Spencer	

Absent—Excused

Dowell

Mays

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, always Thou hast used men in the out-working of Thy divine purposes. Thou hast greatly blessed our State and its people, and Thou hast brought to us matchless opportunities to cooperate with Thee in all our activities. Do Thou qualify us for that service, as we feel more and more the need of Thy hand to lead us. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Mays for today, on motion of Mr. Spencer.

The following Member was granted leave of absence on account of illness:

Mr. Dowell for today, and the balance of the week, on motion of Mr. Morris.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pevehouse and Mr. Taylor:

H. B. No. 987, A bill to be entitled "An Act to create and establish a

perpetual, public charitable, non-profit Body Corporate, to be denominated 'Navarro Community Foundation,' domicile at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to any one or more or all of the following public charitable purposes: (1) Religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire and dispose of property in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Hardin asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 984.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hardin:

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for

such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject, and declaring an emergency."

Referred to the Committee on School Districts.

Mr. McNamara asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 985.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. McNamara:

H. B. No. 985, A bill to be entitled "An Act amending Chapter 28, House Bill No. 12, Acts of the Forty-second Legislature, Second Called Session, relating to fishing in Lake Waco and the Bosque rivers and their tributaries in McLennan, Bosque and Hamilton Counties, as follows; providing for the gathering and sale of minnows for bait, authorizing the use of trot or throw lines, closing all fishing through March and April, omitting from said Act green perch, brim, goggle-eye, or sun fish, of less than five (5) inches, fixing the length of catfish at twelve (12) inches, fixing the daily take of bass at twelve (12), and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Petsch asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 986.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Petsch:

H. B. No. 986, A bill to be entitled "An Act to amend Chapter 1, Title 16 of the Penal Code of the State of Texas, as enacted in the year 1925, by adding thereto a new Article to be known as 'Article 1269-b,' repealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Riviere asked unanimous consent, to introduce, at this time, and

have placed on first reading, House Bill No. 988.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Riviere:

H. B. No. 988, A bill to be entitled "An Act amending Article 36 of the Revised Penal Code of the State of Texas, 1925 Revision, providing and naming when intoxication and use of narcotics shall mitigate the offense, and declaring an emergency."

Referred to the Committee on Judiciary.

RELATIVE TO HOUSE BILL NO. 953

On motion of Mr. Baker of Fort Bend, and by unanimous consent of the House, the caption of House Bill No. 953 was ordered amended to conform to all changes and with the body of the bill.

MOTION TO RE-REFER SENATE BILL NO. 432

Mr. Goodman moved that Senate Bill No. 432 be withdrawn from the Committee on Appropriations, and referred to the Committee on Public Lands and Buildings.

On motion of Mr. Alsup, the motion to re-refer was tabled.

EXTENDING CONGRATULATIONS OF THE HOUSE TO HON. AND MRS. MARVIN LONDON

Mr. Ferguson offered the following resolution:

H. S. R. No. 229, Extending congratulations of the House to Hon. and Mrs. Marvin F. London.

Whereas, On Saturday, April 8th, 1939, the love bird has, with his rays of sunshine, visited the Texas House of Representatives, and claimed as his prey the Hon. Marvin F. London; and

Whereas, The Hon. Marvin F. London is a distinguished Member of the Forty-sixth Legislature, and has served his district and State in a manner that deserves the admiration of all; and

Whereas, "Love is the only bow on life's dark cloud. It is the Morning and the Evening Star. It is the air

and light of every heart, builder of every home, kindler of every fire on every hearth", and realizing that "It is the perfume of the wondrous flower—the heart—and without that sacred passion, that diving swoon, we are less than beasts"; he has chosen as his wife the very lovely, charming and much admired Miss Mary Lou Williams, to love, honor and obey until death do them part; therefore, be it

Resolved by the Texas House of Representatives, That we extend to Marvin and Mrs. London our very best wishes for a long and prosperous life, and the following anonymously written advice to husband and wife:

"Preserve sacredly the privacies of your own home, your married state and your heart. Let no father or mother or sister or brother ever presume to come between you or share the joys that belong to you two alone.

"With mutual help build your quiet world, not allowing your dearest earthly friends to be the confidant of aught that concerns your modest peace. Let moments of alienations, if they occur, be healed at once. Never, no never, speak of it outside; but to each other confess and all will come out right. Never let the morrow's sun still find you at variance. Renew and renew your vow. It will do you good; and thereby your mind will grow together contented in that love which is stronger than death, and you will truly be one;" and, be it further

Resolved, That a copy of this resolution be presented to Marvin and Mrs. London.

FERGUSON,
LOCK.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin,

Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Loggins, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Russell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

RELATIVE TO THE ARCHIVES DIVISION OF THE TEXAS STATE LIBRARY

Mr. Isaacks offered the following resolution:

H. C. R. No. 99, Relative to the Archives Division of the Texas State Library.

Whereas, The Archives Division of the Texas State Library is located in the basement of the Capitol, in the most undesirable and inaccessible portion thereof, in a room but little more than 700 square feet in area, and with correspondingly small space for filing cases and other equipment necessary for the arrangement and preservation of these most valuable archives; and

Whereas, Among these treasured possessions of the State of Texas, of untold value historically, sentimentally, and materially, are the old Spanish and Mexican records; the Nacogdoches archives; correspondence of the alcaldes roster of military companies; census records; royal and Federal decrees; communications of the political chiefs of the departments of Bexar and Nacogdoches, 1733-1836;

the State Department records, with all the archives of the Provisional Government of Texas from November, 1835, to March, 1836; proceedings of the Convention of 1836, which declared the Independence of Texas and drew up the Constitution of the Republic; all papers relating to the nine congresses of the Republic of Texas which drew up the first State Constitution; all records of the twenty-one Legislatures of the State prior to 1889; all those of the Secession Convention of 1861; those of the Reconstruction Convention of 1866; and those of the Constitutional Convention of 1875, which framed the present Constitution; treaties of the Republic of Texas with foreign Nations and Indian tribes; correspondence of the State Department, diplomatic, consular and domestic, 1836-1845; executive record books of the Republic and the State; election returns, 1835-1905; reconstruction papers, consisting of orders, together with seven manuscript volumes of registered voters of 1867; muster and payrolls of Confederate Soldiers, and of the State Guard, State Police and Reserve Militia of the Reconstruction Period; rolls of the Rangers from 1870-1910; rolls of the Texas National Guard and of the soldiers of the Spanish-American War; Comptroller Department records, 1835-1900; Treasury Department records for the same period; the papers of Mirabeau B. Lamar, and of John H. Reagan; the Lubbock Papers; and many others of like character; together with thousands of other archives of inestimable historical, material and sentimental value to the people of Texas; and

Whereas, Many of these valuable archives are now packed away in boxes without ever having been systematically assorted, classified and indexed; and the space allotted to this department is totally inadequate and unfit for the proper preservation and filing of such archives, in order that satisfactory examinations may be made thereof, for historical or other purposes; and said space is so cramped and overcrowded that the archivist is without the necessary facilities for a successful performance of her duties, and such space is insufficient in which to work and to assort properly these invaluable records so that they may be indexed and preserved in a fitting manner, thereby

making them accessible for research; and

Whereas, The Adjutant General's Department is quartered in a desirable and advantageous portion of the first floor of the State Capitol, while the other law enforcement and safety departments of the State are located in commodious quarters on State property at Camp Mabry, with plenty of space to spare; and

Whereas, It is not only desirable but necessary for proper law enforcement and for the safety of the citizenship of Texas, that the Adjutant General's Department be located with, or at least near, the Department of Public Safety; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Board of Control be respectfully requested to prepare suitable quarters in the building best fitted for the purpose, located near, or in, the building occupied by the Department of Public Safety, at Camp Mabry, and cause to be removed thereto, the Adjutant General's Department, with the necessary equipment, from its present quarters in the Capitol; and immediately thereafter, to remove the Archives Division of the State Library from the cramped quarters in the basement, to the rooms on the first floor vacated by the Adjutant General's Department, and to equip the rooms thereof, in a fitting manner for the preservation, assorting, filing and indexing of such State Archives; to the end that we may rectify a condition about which we have been most remiss, and that the records of our priceless heritage, hidden away on these neglected pages, may be preserved for the pride of our posterity, and may receive the prestige and recognition they so justly deserve.

The resolution was read second time.

On motion of Mr. Thornton, the resolution was referred to the Committee on Public Lands and Buildings.

MESSAGE FROM THE SENATE

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted the following:

H. C. R. No. 98, Recalling House

Bill No. 310 from the Governor's office.

Respectfully,

BOB BARKER,

Secretary of the Senate.

EXTENDING CONGRATULATIONS OF THE HOUSE TO HON. HOMER LEONARD AND HON. LELAND JOHNSON

Mr. Boyer offered the following resolution:

H. S. R. No. 231, Extending congratulations of the House to Hon. Homer Leonard and Hon. Leland Johnson.

Whereas, Two of our fellow Members of the House of Representatives have been officially notified by the Board of Legal Examiners of their proficiency to warrant their admission to the "Bar;" and

Whereas, These distinguished gentlemen, Hon. Homer Leonard of McAllen and Hon. Leland Johnson of Waxahachie, will soon take their oath as full fledged attorneys entitled to practice in the Courts of Texas; and

Whereas, The above named gentlemen know not as yet the trials and tribulations of the beginning barrister but it is the sense of their fellow Members that they will take their place among the great lawyers of Texas; now, therefore, be it

Resolved by the House of Representatives, That Judge Leonard and Judge Johnson be, and they are herein designated the "Constitutional Lawyers" of the House and they are herein directed to be available at all times to advise without compensation upon all Constitutional questions involved in any pending legislation; and, be it further

Resolved, That those of the House who are licensed attorneys do welcome their colleagues into the law practice and assure them of their assistance on every occasion; and, be it further

Resolved, That these two gentlemen be congratulated upon their achievement and that their future years in the practice of law be filled with an abundance of success.

BOYER,

POPE,

DEAN,

REED,

VALE,

HARDIN,

McNAMARA,

WILSON,
LITTLE,
THORNTON,
HANKAMER,
PETSCH,
DERDEN,
SKILES,
BOND,
JOHNSON of Tarrant,
BRAY,
McMURRY,
McALISTER,
BRADFORD.

The resolution was read second time and was unanimously adopted.

**PROVIDING FOR APPOINTMENT
OF COMMITTEE TO
MAKE CERTAIN
INVESTIGATION**

Mr. Roach offered the following resolution:

H. S. R. No. 230, Providing for appointment of a committee to make certain investigation.

Whereas, The City of Atlanta, Texas, has as a result of a terrific explosion experienced a disaster which under slightly different circumstances might have been comparable to the New London School disaster; and

Whereas, The Hon. Abe Mays now present at the scene of said disaster urgently requests a legislative investigation for the purpose of preventing similar occurrences in the future; now, therefore, be it

Resolved, That the Speaker be authorized to appoint a committee of five Members of the House to make a thorough investigation and that said committee be authorized to take whatever steps are necessary to complete said investigation and report back to the House at the earliest possible time; be it further

Resolved, That the actual and necessary expenses for said investigation be paid out of the Contingent Expense Fund of the House, said expenses in no instance to exceed \$300.

The resolution was read second time, and was adopted.

**AUTHORIZING CERTAIN COR-
RECTION IN HOUSE
BILL NO.
517**

Mr. Langdon offered the following resolution:

H. C. R. No. 100, Authorizing certain correction in House Bill No. 517.

Whereas, The caption of the Conference Committee Report on House Bill No. 517, which report has already been adopted by the House of Representatives and the Senate, does not conform to the body of the bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be, and is hereby authorized and instructed to amend the caption of House Bill No. 517.

The resolution was read second time, and was adopted.

**TO GRANT PERMISSION TO SUE
BASTROP COUNTY**

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, To grant permission to sue Bastrop County.

Whereas, It is alleged that in April, 1938, Lee Limuel, Celia Limuel, Ernest Limuel, Vivian Evans, Velma Limuel, Kimmie Limuel, Ernest Gene Limuel and Pig Ninny Limuel, all of Bastrop County, Texas, were fatally injured when a bridge spanning Piney Creek, where a county road crosses said creek in said Bastrop County, gave way and fell into said creek as they attempted to cross same in an automobile, causing them to fall in deep water and drown; and

Whereas, It is alleged that Bastrop County, acting by and through its Commissioners' Court and/or duly elected, qualified and acting Commissioner, had failed to keep said bridge in repair for the safety of those using the same, and had failed to post signs of warning as to the danger of said bridge; and

Whereas, It is further alleged that the said bridge was constructed of wood and had deteriorated, the timbers of which were rotten; and

Whereas, It is also alleged that Bastrop County, acting by and through its said officers, agents and/or employees, had failed to erect barricades or signs at or near said bridge or at or near said crossing; and

Whereas, It is also alleged that the said Lee Limuel, Celia Limuel, Ernest Limuel, Vivian Evans, Velma Limuel, Kimmie Limuel, Ernest Gene Limuel and Pig Ninny Limuel, suffered injuries resulting in death; and

Whereas, S. D. Evans, I. V. Limuel,

Rango Limuel, Alma White (Limuel), Tallie Limuel, Jessie Limuel, Higgie Jackson, Parilee Haywood and Bertha King, all residents of Bastrop County, Texas, desire to bring suit against Bastrop County, to establish and recover damages, if any, resulting therefrom by virtue of such deaths; and

Whereas, It is also alleged that the said S. D. Evans, I. V. Limuel, Rango Limuel, Alma White (Limuel), Tallie Limuel, Jessie Limuel, Higgie Jackson, Parilee Haywood, and Bertha King, have never been compensated by Bastrop County for their damages resulting from such deaths; now, therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, That S. D. Evans, I. V. Limuel, Rango Limuel, Alma White (Limuel), Tallie Limuel, Jessie Limuel, Higgie Jackson, Parilee Haywood and Bertha King, be, and each of them is hereby granted permission to bring suit against Bastrop County, on account of such damages accruing by such deaths on account of the negligence, if any, of said Bastrop County, and for any and all damages accruing by reason of such negligence; and, be it further

Resolved, That such suits may be filed in any court of competent jurisdiction of Bastrop County, Texas, at any time within two years from the date this Act takes effect; and, be it further

Resolved, That process in such suits may be served upon the County Judge and Commissioners of said Bastrop County, with the same force and effect as in any other civil case; and, be it further

Resolved, That this resolution is not intended to determine any of the above allegations of fact and that the truth or falsity of said facts is to be determined by the Court or Courts trying said proposed suit or suits in the same manner as provided by law in all suits regularly filed in said Court or Courts.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

BILL RECOMMITTED

Mr. Alsup moved to suspend the necessary Rules relative to the making of

routine motions, for the purpose of making a motion to recommit House Bill No. 977 to the Committee on Appropriations.

The motion to suspend the Rule prevailed.

On motion of Mr. Alsup, House Bill No. 977 was recommitted to the Committee on Appropriations.

COMMENDING ACTION OF THE PRESIDENT OF THE UNITED STATES

Mr. Blankenship offered the following resolution:

H. C. R. No. 101, Commending the President of the United States.

Whereas, The President of the United States, the Hon. Franklin D. Roosevelt, last Saturday, April 15, forwarded to the Dictators of Germany and Italy an appeal for world peace and asked assurance from the Dictators of the above countries that their armed forces will not attack or invade territory or possessions of independent Nations during the next 10 years; and

Whereas, Such an appeal for peaceful discussion of the differences existing among all the Nations is of such timely importance for the welfare and peace of the World; and

Whereas, Such an appeal should have the approval of those who are sincerely interested in the preservation of peace, and believing the President of the United States should know the sentiment of the people of this Country and of this State; therefore, be it

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, approve and commend the President of the United States in his efforts to maintain world peace as outlined in his message to the Dictators of Germany and Italy on April 15; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States.

The resolution was read second time, and was adopted.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
SENATE BILL
NO. 160

Mr. Vale submitted the following
Conference Committee Report on Sen-
ate Bill No. 160:

Austin, Texas, April 11, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sirs: We, your Conference Com-
mittee, appointed to adjust the differ-
ences between the two Houses on Sen-
ate Bill No. 160 have had same under
consideration and we recommend to
the Senate and House of Representa-
tives that said bill pass in the form
attached hereto.

Respectfully submitted,

KELLEY,
STONE of Galveston,
BROWNLEE,
WINFIELD,
MARTIN,

On the part of the Senate.

VALE,
CELAYA,
LEONARD,
LEYENDECKER,
POPE,

On the part of the House.

S. B. No. 160

A BILL
To Be Entitled

An Act to amend Section 3 of Chap-
ter 5, Acts 1934, Forty-third Leg-
islature, Second Called Session, by
providing that the Boards of Di-
rectors may refinance bonds already
issued; providing that the provisions
of this Act shall not apply to any
proceedings, levies, or to any bonds
or warrants issued thereunder, the
validity of which has been contested
or attached in suit or litigation
which is pending at the time this
Act becomes a law, or which may
be filed within thirty (30) days
after this Act becomes a law, and
declaring an emergency.

Be It Enacted by the Legislature of
the State of Texas:

Section 1. Amend Section 3 of
Chapter 5, Acts, 1934, Forty-third
Legislature, Second Called Session, so
as to hereafter read as follows:

"Sec. 3. Subject to the above re-
strictions each of said Boards is given

complete discretion in fixing the
form, conditions and details of such
bonds or notes. Any bonds or notes
issued hereunder shall not be an in-
debtedness of the State of Texas, but
shall be payable solely from the reve-
nues to be derived from the operation
of said buildings; provided that such
bonds may be refinanced by the said
Boards whenever such action is found
by the Board to be necessary."

Provided, however, that the pro-
visions of this Act shall not apply to
any proceedings, levies, or to any
bonds or warrants issued thereunder,
the validity of which has been con-
tested or attached in suit or litigation
which is pending at the time this
Act becomes a law, or which may be
filed within thirty (30) days after
this Act becomes a law.

Sec. 2. The fact that there is no
specific authority for refinancing of
bonds by the institutions of higher
learning, and the fact that the lack of
such authority has caused Federal au-
thorities to question the refinancing
of bonds, creates an emergency and an
imperative public necessity that the
Constitutional Rule requiring bills to
be read on three several days in each
House be suspended, and the same is
hereby suspended, and this Act shall
take effect and be in force from and
after its passage, and it is so enacted.

On motion of Mr. Vale, the Report
was adopted by the following vote:

Yeas—132

Allen	Cauthorn
Allison	Celaya
Alsup	Chambers
Anderson	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Corry
Boethel	Crossley
Boyd	Daniel
Boyer	Davis of Jasper
Bradbury	Davis of Upshur
Bradford	Dean
Bray	Dickison
Bridgers	Dickson
Broadfoot	Donaghey
Brown of Cherokee	Dwyer
Brown	Faulkner
of Nacogdoches	Felty
Bundy	Ferguson
Burkett	Fielden
Burney	Galbreath

Gilmer	Oliver
Gordon, Mrs.	Pace
Hale	Petsch
Hamilton	Pevehouse
Hankamer	Piner
Hardeman	Reader of Bexar
Hardin	Reader of Erath
Harp	Reaves
Harper	Reed
Harrell of Bastrop	Rhodes
Harrell of Lamar	Riviere
Harris	Roach
Hartzog	Roberts
Heflin	Robinson
Holland	Russell
Howard	Schuenemann
Howington	Segrist
Hunt	Shell
Isaacks	Skiles
Johnson of Ellis	Smith of Frio
Johnson of Tarrant	Smith of Hopkins
Keith	Smith
Kennedy	of Matagorda
Kern	Spencer
Kerr	Stoll
Kersey	Talbert
Kinard	Taylor
King	Tennant
Langdon	Thornberry
Lehman	Thornton
Leyendecker	Turner
Little	Vale
Lock	Vint
London	Voigt
McAlister	Waggoner
McDaniel	Weldon
McDonald	Wells
McMurry	Westbrook
McNamara	White
Mohrmann	Wilson
Monkhouse	Wood
Montgomery	Worley
Morris	Wright
Nicholson	

Absent

Bond	Loggins
Colquitt	McFarland
Derden	Newell
Fuchs	Pope
Goodman	Stinson
Hull	Tarwater
Leonard	Winfree

Absent—Excused

Dowell	Ragsdale
Mays	

HOUSE BILL NO. 249 WITH SENATE AMENDMENTS

Mr. Keith called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 249, A bill to be entitled "An Act concerning the liquidation, rehabilitation, reorganization or conservation of insurers doing business in more than one State, and placing same under the Board of Insurance Commissioners; providing for the appointment of a liquidator by the Board of Insurance Commissioners; defining certain words and phrases used in this Act; providing for the appointment of a liquidator of the Board as receiver for an insurer and outlining his duties as such receiver; providing for ancillary delinquency proceedings and providing method of filing claims of resident and non-resident claimants, outlining priority of various types of claims; defining powers of receivers and ancillary receivers, and declaring an emergency."

Mr. Keith moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

HOUSE BILL NO. 180 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Aransas County, Texas, for a period of twenty (20) years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provisions of said Act for a period of forty (40) years from September 1st, 1920, and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and

shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill having heretofore been read second time.

Mr. Shell moved to reconsider the vote by which the amendment, by Mr. Keith, was, on last April 3, adopted.

Mr. Keith moved to table the motion to reconsider.

(Pending consideration of the bill, Mr. Heflin occupied the Chair, temporarily.)

(Speaker in the Chair.)

The motion to table the motion to reconsider was lost.

Question then recurring on the motion to reconsider the vote by which the amendment, by Mr. Keith, was, on last April 3, adopted, it prevailed.

Question—Shall the amendment by Mr. Keith be adopted?

The amendment by Mr. Keith was lost by the following vote:

Yeas—54

Allen	Isaacks
Alsup	Keith
Bailey	Kennedy
Baker of Grayson	Kern
Blankenship	Langdon
Boyd	McFarland
Bradbury	Morris
Bridgers	Pace
Brown of Cherokee	Petsch
Brown	Piner
of Nacogdoches	Reed
Burkett	Russell
Burney	Segrist
Cauthorn	Skiles
Clark	Smith of Hopkins
Cornett	Spencer
Davis of Jasper	Stinson
Davis of Upshur	Stoll
Dean	Talbert
Ferguson	Tennant
Fielden	Thornberry
Galbreath	Vint
Hale	Waggoner
Hardeman	Weldon
Harp	White
Harris	Wood
Howington	Worley
Hunt	

Nays—77

Allison	Baker
Anderson	of Fort Bend

Bell	Lehman
Boethel	Leonard
Boyer	Leyendecker
Bradford	Little
Broadfoot	Lock
Bundy	McAlister
Celaya	McDaniel
Chambers	McDonald
Cleveland	McMurry
Cockrell	McNamara
Colson, Mrs.	Monkhouse
Corry	Montgomery
Crossley	Nicholson
Daniel	Oliver
Derden	Pevhouse
Dickson	Pope
Dickson	Reader of Bexar
Dwyer	Reader of Erath
Faulkner	Rhodes
Felty	Riviere
Fuchs	Roach
Gilmer	Roberts
Gordon, Mrs.	Robinson
Hankamer	Schuenemann
Hardin	Shell
Harper	Smith of Frio
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Hartzog	Taylor
Heflin	Thornton
Holland	Turner
Hull	Vale
Johnson of Ellis	Voigt
Johnson of Tarrant	Westbrook
Kerr	Wilson
Kersey	Winfree
Kinard	Wright
King	

Present—Not Voting

Bray	Reaves
Donaghey	

Absent

Bond	Loggins
Coleman	London
Colquitt	Mohrmann
Goodman	Newell
Hamilton	Tarwater
Howard	Wells

Absent—Excused

Dowell	Ragsdale
Mays	

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 180, by striking out line 26 on page 1 thereof, being the enacting clause.

KEITH,
MORRIS,
WOOD.

Mr. Smith of Matagorda moved the previous question, on the pending amendment, and the engrossment of House Bill No. 180, and the main question was ordered.

Question first recurring on the amendment by Mr. Keith, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—49

Allen	Keith
Allison	Kennedy
Bailey	Kern
Baker of Grayson	Kerr
Bond	Langdon
Boyd	London
Bradbury	McFarland
Bridgers	Morris
Brown of Cherokee	Petsch
Brown of Nacogdoches	Reaves
Burkett	Russell
Burney	Segrist
Cauthorn	Smith of Hopkins
Coleman	Spencer
Colquitt	Stoll
Cornett	Talbert
Davis of Upshur	Tarwater
Fielden	Tennant
Galbreath	Thornberry
Hale	Vint
Hardeman	Waggoner
Harper	Weldon
Howington	Wells
Hunt	Wood
	Worley

Nays—84

Alsup	Donaghey
Anderson	Faulkner
Baker	Felty
of Fort Bend	Ferguson
Bell	Fuchs
Blankenship	Gilmer
Boethel	Gordon, Mrs.
Boyer	Hankamer
Bradford	Harp
Broadfoot	Harrell of Bastrop
Bundy	Hartzog
Celaya	Heflin
Chambers	Holland
Clark	Howard
Cleveland	Hull
Cockrell	Johnson of Ellis
Colson, Mrs.	Johnson of Tarrant
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Lehman
Derden	Leonard
Dickison	Leyendecker
Dickson	Little

Lock	Roach
Loggins	Roberts
McAlister	Robinson
McDaniel	Schuenemann
McDonald	Shell
McMurry	Skiles
McNamara	Smith of Frio
Monkhouse	Smith of Matagorda
Newell	Stinson
Nicholson	Taylor
Oliver	Thornton
Pace	Turner
Pevehouse	Vale
Pope	Voigt
Reader of Bexar	White
Reader of Erath	Wilson
Reed	Winfree
Rhodes	Wright
Riviere	

Present—Not Voting

Bray	Hardin
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Absent

Dean	Isaacks
Dwyer	Mohrmann
Goodman	Montgomery
Hamilton	Piner
Harrell of Lamar	Westbrook
Harris	

Absent—Excused

Dowell	Ragsdale
Mays	

Question then recurring on the engrossment of House Bill No. 180, yeas and nays were demanded.

House Bill No. 180 was then passed to engrossment by the following vote:

Yeas—83

Anderson	Dickison
Baker	Dickson
of Fort Bend	Donaghey
Bell	Faulkner
Boethel	Felty
Boyd	Fielden
Boyer	Fuchs
Bradford	Gilmer
Broadfoot	Gordon, Mrs.
Bundy	Hankamer
Celaya	Hardin
Chambers	Harp
Clark	Harper
Cleveland	Harrell of Bastrop
Cockrell	Hartzog
Colson, Mrs.	Holland
Crossley	Howard
Daniel	Hull
Davis of Jasper	Hunt
Derden	Johnson of Ellis

Johnson of Tarrant	Pope
Kersey	Reader of Bexar
Kinard	Reader of Erath
King	Rhodes
Lehman	Riviere
Leonard	Roach
Leyendecker	Roberts
Little	Robinson
Lock	Schuenemann
Loggins	Shell
McAlister	Skiles
McDaniel	Smith of Frio
McDonald	Stinson
McMurry	Tarwater
McNamara	Taylor
Monkhouse	Thornton
Montgomery	Turner
Newell	Vale
Nicholson	Voigt
Oliver	Wilson
Pace	Winfree
Pevehouse	Wright

Nays—48

Allen	Kennedy
Allison	Kern
Alsup	Kerr
Bailey	Langdon
Baker of Grayson	London
Blankenship	McFarland
Bond	Morris
Bradbury	Petsch
Bridgers	Reed
Brown of Cherokee	Russell
Brown	Segrist
of Nacogdoches	Smith of Hopkins
Burkett	Smith
Burney	of Matagorda
Cauthorn	Spencer
Coleman	Stoll
Colquitt	Talbert
Cornett	Tennant
Davis of Upshur	Thornberry
Ferguson	Vint
Galbreath	Waggoner
Hale	Weldon
Hardeman	Wells
Howington	Wood
Keith	Worley

Present—Not Voting

Bray	Reaves
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Absent

Corry	Heflin
Dean	Isaacks
Dwyer	Mohrmann
Goodman	Piner
Hamilton	Westbrook
Harrell of Lamar	White
Harris	

Absent—Excused

Dowell	Ragsdale
Mays	

MOTION TO PLACE HOUSE BILL
NO. 180 ON THIRD READING

Mr. Shell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 180 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—85

Alsup	Lehman
Anderson	Leonard
Baker	Leyendecker
of Fort Bend	Little
Bell	Lock
Boethel	Loggins
Boyer	McAlister
Bradford	McDaniel
Broadfoot	McDonald
Brown of Cherokee	McMurry
Bundy	McNamara
Celaya	Mohrmann
Chambers	Monkhouse
Clark	Montgomery
Cleveland	Newell
Cockrell	Nicholson
Colson, Mrs.	Oliver
Crossley	Pace
Daniel	Pevehouse
Davis of Jasper	Pope
Derden	Reader of Bexar
Dickison	Reader of Erath
Dickson	Rhodes
Dwyer	Riviere
Faulkner	Roach
Felty	Roberts
Fielden	Robinson
Fuchs	Schuenemann
Gordon, Mrs.	Shell
Hankamer	Skiles
Hardin	Smith of Frio
Harp	Smith
Harrell of Bastrop	of Matagorda
Hartzog	Stinson
Heflin	Tarwater
Holland	Taylor
Howard	Thornton
Howington	Turner
Hunt	Vale
Isaacks	Voigt
Johnson of Ellis	Wilson
Kerr	Winfree
Kersey	Wright
Kinard	

Nays—45

Allen	Keith
Allison	Kennedy
Bailey	Kern
Baker of Grayson	Langdon
Blankenship	London
Bond	McFarland
Boyd	Morris
Bradbury	Petsch
Bray	Reed
Brown	Russell
of Nacogdoches	Segrist
Burkett	Smith of Hopkins
Burney	Spencer
Cauthorn	Stoll
Coleman	Talbert
Colquitt	Tennant
Cornett	Thornberry
Corry	Vint
Davis of Upshur	Waggoner
Donaghey	Weldon
Ferguson	Wells
Hale	Wood
Hardeman	Worley

Present—Not Voting

Reaves

Absent

Bridgers	Harris
Dean	Hull
Galbreath	Johnson of Tarrant
Gilmer	King
Goodman	Piner
Hamilton	Westbrook
Harper	White
Harrell of Lamar	

Absent—Excused

Dowell	Ragsdale
Mays	

RELATIVE TO HOUSE BILL NO. 363

On motion of Mr. Kinard, and by unanimous consent of the House, the following committee amendment to House Bill No. 363 was ordered adopted:

Amend House Bill No. 363, by striking out all below the enacting clause, and substituting in lieu thereof, the following:

"Section 1. All public schools within this State shall display the Flag of the United States on suitable flag poles on or near the school buildings, and such display shall be made each day in accordance with good flag etiquette.

"Section 2. In all State universities and State supported colleges there

shall be installed a chair of Americanism teaching a brief history of the Constitution and the rise of representative government, stating the Constitution and amendments of law in the simple language of the layman.

"Section 3. No person shall be employed by the colleges, universities or other State supported educational system of the State of Texas or in any way be associated with the educational system of the State of Texas, who is not a native-born person or a citizen of the United States and a citizen of the State in which he resided at the time he was employed in the educational system of Texas or a citizen of Texas; unless he be an exchange instructor from a foreign institution who subscribes to the American Democratic system of government as set forth in the Constitutions of the United States and of Texas.

"Section 4. Willful neglect or failure on the part of the head of any department, or principal or teacher in our State supported institutions of learning to observe and carry out the requirements of this Act shall be sufficient cause for the dismissal or removal of such party from his or her position.

"Section 5. The fact that many agencies of foreignisms are seeking to overthrow our Democratic form of Government constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

RELATIVE TO HOUSE BILL NO. 940

On motion of Mr. Davis of Jasper, and by unanimous consent of the House, the following amendment to House Bill No. 940 was ordered adopted:

Amend House Bill No. 940, by striking out "any subsequent Federal Census" wherever they appear in the bill, and amend caption to conform.

HOUSE BILL NO. 178 ON SECOND READING

On motion of Mr. Dwyer, the regular order of business was suspended, to take up, and have placed on its

second reading and passage to engrossment, House Bill No. 178.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 178, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1938, due to the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1939; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; etc., and declaring an emergency."

The bill was read second time.

Mr. Coleman offered the following amendment to the bill:

Amend Section 1 of House Bill No. 178 so as to read as follows:

"Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before July 1, 1938, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns and villages and special school districts and independent school districts), shall be and the same are hereby released, provided that one-third of said ad valorem and poll taxes are paid on or before November 1, 1939, and that one-third of said taxes are paid on or before November 1, 1940, and that the final one-third installment of said taxes is paid on or before November 1, 1941, providing fur-

ther that during said period up to November 1, 1941, no current ad valorem and poll taxes become delinquent. It is provided that the provisions hereof shall not apply to cities, towns and villages and special school districts and independent school districts, unless and until the governing body of any such city, town or village or special school district or independent school district finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution or ordinance evidencing such finding, and upon the recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, town or village or special school district or independent school district. It is hereby expressly and specifically provided that penalties and interest herein released are released only on delinquent ad valorem and poll taxes and on no other taxes."

And amend the caption of House Bill No. 178 to provide that all ad valorem and poll taxes delinquent on or before July 1, 1938, are paid on or before November 1, 1941.

The amendment was adopted.

Mr. Crossley offered the following amendment to the bill:

Amend House Bill No. 178, by striking all below the enacting clause, and substituting the following:

"Section 1. That Article 7345, Chapter 10, Title 122 of the Revised Civil Statutes of the State of Texas as amended by Acts of the Forty-third Legislature, First Called Session, 1933, page 271, Chapter 98, amended by Acts of the Forty-fourth Legislature, 1935, page 415, Chapter 165, Section 1, as amended by Senate Bill No. 477, Acts of the Forty-fifth Legislature, 1937, as amended by House Bill No. 456, Acts of the Forty-fifth Legislature, 1937, be amended by adding thereto another Section to be known as Article 7345d, to read as follows:

"Article 7345d. In all cases where property appearing on the tax rolls, whether rendered or unrendered, current or delinquent, appears to have

been assessed at a valuation greater than that placed upon other property in such locality of similar value, or out of proportion to the taxable value of such property; or where by reason of the depreciation in the value of such property an adjustment of assessed value would be equitable and expedient; or where by reason of long delinquency, the accumulated delinquent taxes, with penalties, interest and costs aggregate such amount as to make their collection inequitable or confiscatory, the Commissioners Court of the county in which such property is situated, upon the application of the owner thereof or his duly authorized agent, shall have the power to reopen and reconsider the original assessments. In all such cases, the Commissioners Court shall hear testimony from competent and disinterested witnesses, and may make such personal and independent investigation as may seem necessary, and expedient. If, after such investigation it shall appear to the Commissioners Court that such assessments were discriminatory, or out of proportion to the taxable value of the property, or that by reason of the depreciation of value of same, or that the enforced collection of the accumulated delinquent taxes, penalties, interest and costs would be inequitable or confiscatory, the Commissioners Court may, under its powers as a Board of Equalization, make such adjustments as to assessed values of such property as it may determine to be equitable and just. And any previous fixing of values of such property for the years involved shall not be 'res adjudicata' as to the particular case.

Provided, that the State Comptroller shall be furnished with a certified copy of any order passed in pursuance hereof, as shall likewise the County Assessor-Collector of Taxes, who shall make the necessary correction of his rolls. Provided further, that nothing herein shall be construed as authorizing the Commissioners Court to remit any penalty, interest or costs that have accrued, but all such penalty, interest, and costs shall be collected on the adjusted assessment as may be authorized by existing law.

Sec. 2. Incorporated cities and towns, independent school districts having their own Assessor-Collector and Boards of Equalization, irrigation

and water improvement districts, and all other governmental agencies having the power to levy and collect taxes, shall have the right by ordinance, order or resolution properly enacted, passed and entered to avail themselves of this law. Provided, that in such cases, the governing body of such taxing unit, or its duly constituted Board of Equalization, shall perform the functions hereinabove conferred on the Commissioners Court.

Sec. 3. Where not in conflict with existing law, this Act shall be cumulative; but all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that there is now much property on the delinquent tax rolls of the State, counties and municipal subdivisions of the State; that in many instances, the assessments were discriminatory or at variance with the true taxable value; that the Commissioners Courts are without authority to consider and make needed adjustments as to property on the rendered rolls; that much property has depreciated far below its former assessed value; that the accumulated taxes, penalties, interest and costs on much property, if collected, would be inequitable and in many cases confiscatory; and the further fact that if needed adjustments of assessed values be made, much delinquent taxes will probably be paid, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Mr. Anderson raised a point of order, on further consideration of the amendment by Mr. Crossley, on the ground that the amendment changes the original purpose of the bill.

The Speaker sustained the point of order.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 178 was then passed to engrossment.

Mr. Anderson moved to reconsider the vote by which House Bill No. 178 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE HOUSE BILL
NO. 178 ON THIRD
READING**

Mr. Dwyer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 178 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—94

Allen	Kern
Allison	Kerr
Alsup	Kersey
Anderson	Kinard
Bailey	King
Bell	Lehman
Boethel	Leonard
Bradbury	Leyendecker
Bradford	Little
Bridgers	McAlister
Broadfoot	McDonald
Brown	McMurry
of Nacogdoches	McNamara
Bundy	Mohrmann
Burkett	Monkhouse
Burney	Montgomery
Chambers	Newell
Clark	Nicholson
Cleveland	Oliver
Cockrell	Pace
Coleman	Pevehouse
Colson, Mrs.	Piner
Cornett	Pope
Corry	Reader of Bexar
Crossley	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dickison	Rhodes
Dickson	Roach
Dwyer	Segrist
Faulkner	Skiles
Ferguson	Spencer
Fielden	Stoll
Fuchs	Talbert
Galbreath	Tarwater
Hamilton	Taylor
Hardin	Turner
Harper	Vale
Harrell of Bastrop	Voigt
Harrell of Lamar	Weldon
Heflin	Wells
Holland	Westbrook
Howington	White
Hull	Wilson
Hunt	Winfree
Isaacks	Wood
Johnson of Ellis	Worley
Johnson of Tarrant	

Nays—43

Baker of Grayson	Kennedy
Blankenship	Langdon
Bond	Lock
Boyd	London
Boyer	McDaniel
Bray	McFarland
Brown of Cherokee	Morris
Cauthorn	Riviere
Colquitt	Roberts
Daniel	Robinson
Dean	Russell
Derden	Schuenemann
Donaghey	Shell
Felty	Smith
Gilmer	of Matagorda
Gordon, Mrs.	Stinson
Hale	Tennant
Hankamer	Thornberry
Hardeman	Thornton
Harp	Vint
Hartzog	Waggoner
Keith	Wright

Absent

Baker	Howard
of Fort Bend	Loggins
Celaya	Petsch
Goodman	Smith of Frio
Harris	Smith of Hopkins

Absent—Excused

Dowell	Ragsdale
Mays	

**SENATE BILL NO. 36 ON SECOND
READING**

On motion of Mr. Alsup, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 36.

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 36, A bill to be entitled "An Act creating and establishing the State Board of Public Welfare; providing for its members to furnish bond; setting the compensation for each member; providing for the selection of an Executive Director; fixing the compensation and specifying the duties of the director; providing for the creation of the divisions of the State Department of Public Welfare; providing for assistance to the needy blind; providing for assistance to needy dependent children, and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following amendment to the bill:

Amend S. B. No. 36 by striking out all below the Enacting Clause and inserting in lieu thereof the following:

Be It Enacted by the Legislature of the State of Texas:

Section 1. As used in this Act and unless a different meaning appears in the context:

a. The term "State Board" means the State Board of Public Welfare.

b. The term "State Department" means the State Board, its agents, representatives and employees.

c. The term "Executive Directors" means executive director of the State Department of Public Welfare.

d. The term "Public Welfare" means and includes all forms of public assistance and specific services provided for in this Act.

e. The term "Dependent and Destitute Child" means a needy child under the age of fourteen years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care or support for such child without public assistance, and who is living with his father, mother, grand-father, grand-mother, brother, sister, step-father, step-mother, step-brother, step-sister, uncle or aunt in a place maintained by one or more of such relatives as his or her home.

f. The term "Child Welfare Services" means services for children provided for in this Act.

g. When in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Sec. 2. There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, an Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. The State Board of Public Welfare shall be composed of three members, who shall be appointed by the Governor with the advice and consent of the Senate, on the basis of recognized interest in and knowledge of the problems of public welfare.

In the first instance one member shall be appointed for a term of two years, one member for a term of four years, and one member for a term of six years. Thereafter all appointments shall be for terms of six years. Every member so appointed shall serve until his successor shall have been duly appointed and qualified. Before entering upon the discharge of his official duties, each member of the Board shall take and subscribe to the oath of office required of all officers which shall be filed in the office of the Secretary of State. Any vacancy occurring in the membership of the Board for any cause shall be filled by appointment by the Governor for the unexpired term.

The Governor shall designate the Chairman, who shall, in addition to his duties as such, serve as the Executive Director of all divisions of the State Department of Public Welfare.

The Chairman and Executive Director shall be paid a fixed, monthly salary at the rate of not to exceed Five Thousand (\$5,000.00) Dollars per year, and each of the other two members of the State Board shall receive no compensation for their services except when in actual attendance upon a meeting of the State Board, when each shall receive Ten (\$10.00) Dollars for each day so engaged, and in addition thereto, the amount of their traveling and other necessary expenses actually incurred while engaged in the performance of official duties. Two members of the State Board shall constitute a quorum.

Sec. 3. a. The State Board shall adopt all policies, rules and regulations for the administration of the State Department of Public Welfare.

b. The State Board is hereby charged with the administration or supervision of the public welfare activities of the State as hereinafter provided. The State Department of Public Welfare shall:

1. Administer or supervise old age assistance, aid to dependent and destitute children and assistance to the needy blind and otherwise handicapped, and general home or family relief.

2. Administer or supervise all child welfare services, except as otherwise provided for.

3. Make such rules and regulations and take such action as may be

deemed necessary or desirable to carry out the provisions of this Act and which are not inconsistent therewith.

4. Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the 74th Congress and approved August 14, 1935, and any amendments thereto, and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such form and containing such information as the Federal Security Board or any other agency of the Federal Government may, from time to time, require, and comply with such requirements as such board or agency may, from time to time, find necessary to assure the correctness and verification of such reports.

5. Fix the fees to be paid to ophthalmologist, physicians, and eye specialist for the examination of applicants for and recipients of assistants as needy blind persons.

6. Have the power and it shall be its duty to:

(a) Classify all positions in the administration of this Act:

(b) Fix the standards for all positions included in the classification:

(c) Formulate salary schedules for the services so classified, subject to biennial appropriations:

(d) Provide for the fair and impartial selection, appointment, and retention of all personnel.

7. Assist other departments, agencies and institutions of the local, State, and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

8. Act as the agent of the Federal Government in welfare matters of mutual concern in conformity with the provisions of this Act and in the administration of any Federal funds granted to this State to aid in the furtherance of any such functions of the State Government.

9. Establish in counties, or in districts, which may include two or more counties, local units of ad-

ministration to serve as agents of the State Department. Such units shall also act in cooperation with the County Commissioners Courts and/or county welfare agencies or institutions, or city welfare agencies, in matters of public welfare which are in conformity with the intent and purposes of this Act.

10. Administer or supervise such additional public welfare functions as are hereby or may hereinafter or hereafter be vested in it by law, and provide for the progressive codification of the laws which the Board is required to administer.

11. Carry on research and compile statistics relative to the entire public welfare program throughout the State including all phases of dependency, delinquency, and related problems, and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare problems.

12. Supervise and license all institutions, boarding homes and agencies providing assistance, care or other direct services to dependent, neglected, and delinquent children, the aged, blind, feebleminded, and other dependent persons.

Sec. 4. The Executive Director shall prepare and submit to the State Board for its approval a biennial budget of all funds necessary to be appropriated by the Legislature for the State Department for the purposes of this Act, including in such budget an estimate of all Federal Funds which may be allotted to this State by the Federal Government for the purposes of the State Department. When the budget so prepared shall have been approved by the State Board, it shall be submitted to and filed with the budget officer of the State Board of Control in the form and manner and within the time prescribed by law.

Sec. 5. The Executive Director shall prepare annually a full report of the operation and administration of the State Department, together with such recommendations and suggestions as he may deem advisable, and such report shall be submitted to the State Board of Public Welfare not later than the first day of October of each year. The Board, in turn, shall submit a report to the Governor and the Legislature.

Sec. 6. Such divisions within the Department may be created as the Board deems necessary. Subject to the approval of the State Board, the Executive Director shall have the power to allocate and reallocate functions among the several divisions within the Department.

Sec. 7. The officer in charge of a divisions shall be known as the Division Director.

Sec. 8. All of the rights, powers and duties heretofore conferred by law on the Division of Child Welfare of the State Board of Control, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect and are hereby transferred to and conferred upon the State Department of Public Welfare as created by this Act and shall be held, exercised and performed by the State Department under the provisions of this Act and the several Acts now in force. To effectuate this purpose the Division of Child Welfare of the State Board of Control, its staff (subject to the subsequent operation of Section 3 b. (6) of this Act;), records and physical properties are transferred to the State Department and placed under its supervision, and the Division of Child Welfare of the State Board of Control is hereby abolished.

b. All of the rights, powers and duties heretofore conferred by law on the Texas Old Age Assistance Commission, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect and are hereby transferred to and conferred upon the State Department of Public Welfare, as created by this Act, and shall be held, exercised and performed by the State Department under the provisions of this Act, and the several Acts now in force or any amendment or amendments thereto which might be made. To effectuate this purpose the staff (subject to the subsequent operations of Section 3 b. (6) of this Act,) records and physical properties of the Texas Old Age Assistance Commission are transferred to the State Department and placed under its supervision, and the Texas Old Age Assistance Commission is hereby abolished.

c. All of the rights, powers and duties heretofore conferred by law upon the Texas Relief Commission,

not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to and conferred upon the State Department of Public Welfare, as created by this Act, and shall be held, exercised and performed by the State Department under the provisions of this Act, and the several acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the staff (subject to the subsequent operation of Section 3 b. (6) of this Act), records and physical properties of the Texas Relief Commission are transferred to the State Department and placed under its supervision, and the Texas Relief Commission as referred to in Chapter 30 of the Acts of 1935 is hereby abolished.

d. Provided, that no provision of this Act shall in any manner interfere with the functions of the Vocational Rehabilitation Department of the Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health Department.

Sec. 9. The State of Texas hereby accepts all of the provisions and benefits of the Federal "Social Security Act", enacted by the Congress of the United States and approved on August 14, 1935, which, by the provisions of this Act, the State Department of Public Welfare is authorized to administer, and will observe and comply with all of the requirements of such act and the several amendments thereto and the rules and regulations issued thereunder and in conformity therewith.

Sec. 10a. The State Treasurer is hereby designated as the custodian of any and all money which may be received by the State of Texas (which the State Department of Public Welfare is authorized to administer) from any appropriations made by the Congress of the United States for the purpose of cooperating with the several states in the enforcement and administration of the several provisions of the Federal "Social Security Act", and all money received from any other source, and the State Treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the general fund of the State Treasury, provide for the proper custody thereof and to make

disbursements therefrom upon the order of the State Department of Public Welfare and upon warrant of the State Comptroller of Public Accounts.

b. The State Treasurer shall transfer to the credit and account to be designated and known as "The State Department of Public Welfare of the State of Texas" any moneys in the general fund or any special fund credited to the Division of Child Welfare, and the Texas Relief Commission of the State Board of Control, for the remainder of the biennium commencing on the effective date of this Act. Provided that all general or special funds transferred shall be expended only for the purpose or purposes for which they were created or appropriated.

Sec. 11. The State Department of Public Welfare is hereby designated as the State agency to cooperate with the Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X, of the Federal "Social Security Act." The State Department is hereby authorized and directed to cooperate with the proper department of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal "Social Security Act," and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act or as otherwise provided by law.

Sec. 12. Assistance may be given under the provisions of this Act to any needy person who is in necessitous circumstances and who

a. Has attained the age of sixty-five (65) years;

b. Is a citizen of the United States;

c. Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of his application for assistance, and has resided in the State of Texas continuously for one (1) year immediately preceding the application. The terms "residence," "residing" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and the word "residence" as used in their broader meaning.

d. Is not at the time of receiving such assistance an inmate of any public or private home for the aged, or any public or private institution of a custodial, correctional, or curative character, provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care.

e. Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance;

f. Is not an habitual drunkard or an habitual criminal;

g. Is unable to support himself and has no husband or wife able to furnish him or her with support, and has no other means of support.

Sec. 13. In determining the eligibility of an applicant for old age assistance under this Act, it shall be the duty of the State Department to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity, and if, from all the facts and circumstances the applicant does not appear to be in a needy and necessitous condition, assistance shall be denied. In calculating income and resources of the applicant, the State Department shall take into account all money received by gift, devise or descent. Provided that the residence homestead of the applicant, of a value of not exceeding Three Thousand Dollars (\$3,000.00) shall not be considered in calculating the resources of the applicant, and provided further the fact that the applicant has a child or children able to support him shall not be considered in determining the applicant's eligibility for assistance.

Sec. 14. a. The State Department shall provide for the holding of hearings in all appeals by applicants for old age assistance where such assistance has been denied by the local administrative agency to which application was made; provided that such hearings may be conducted by any one (1) of the members of the State Board or by any employee of the State Department designated by the State Board to hold the same. When such hearings are conducted by less than a majority of the State Board or by any employee, a transcript of all testimony taken shall be prepared and filed with the State Department and any order therein

must be signed by a majority of the State Board.

b. The State Board shall provide for such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United States Social Security Board to be necessary for the efficient operation of the plan of Old Age Assistance herein established.

Sec. 15. The expenses of administering the old age assistance feature of this Act shall never exceed five per cent (5%) of the total amount expended for Old Age Assistance; provided, however, that the State Department is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State Funds expended.

Sec. 16. Any person over the age of sixty-five (65) years may present or mail an application in writing for old age assistance grant to the local administrative agency designated by the State Department to receive the same. Such application shall be upon forms prescribed by the State Board, shall be duly sworn to before some officer authorized by the laws of this State to administer oaths, and shall contain such information as may be required by the State Department, and such application shall state that it is made for old age assistance under the provisions of the Public Welfare Act of 1939. The State Department may accept any applications for assistance that have been heretofore filed with the Texas Old Age Assistance Commission created by House Bill No. 26, Acts, Forty - fourth Legislature, Second Called Session, under the provisions of that Act, or under the provisions of House Bill No. 8, Acts, Forty-fourth Legislature, Third Called Session, if it appears to the said State Department that such applications satisfy the provisions of this Act; provided, however, that the State Department shall be authorized to require the filing of a new application in any or all of such cases.

Sec. 17. Upon the filing of such application for old age assistance, it shall be the duty of the local admin-

istrative agency in the county or district in which such application is made to investigate, or cause to be investigated in the manner required by the State Department, such sworn statements appearing in such application to determine the truth or falsity of statements therein contained, said agency having the power and authority to compel the attendance of witnesses, administer oaths, and compel the production by subpoenas duces tecum of books and records and the furnishing of such other affidavits and information as it may deem necessary and advisable. After an examination of the application and such investigation as to the truth or falsity of the statements contained therein as may be deemed necessary, the local agency shall enter an order upon such application either granting the same in whole or in part, or denying the same, and a copy of such order shall be furnished to the applicant and a copy to the State Department, provided, that nothing herein shall be construed as denying or interfering with the right of the State Board to review such order prior to entering thereof and require any modification not inconsistent with the law and the rules and regulations of the State Board. Any applicant who is dissatisfied with the order made by the local administrative agency shall have the right to appeal to the State Board by giving written notice of such dissatisfaction to said State Board. When the State Board has been notified of the dissatisfaction of any applicant with an order made by a local agency, it shall command the local agency to transmit to the State Board the originals of certified copies of all records, affidavits, instruments, testimony or other evidence taken in connection with such application. The State Board shall make a full and complete examination of the record before it and if, after such examination, it is of the opinion that the assistance should be allowed or increased, it shall enter an order allowing or increasing the assistance to the applicant and shall forward a copy of this order to the applicant and a copy thereof to the local administrative agency. If after examining the records before it, the State Board is of the opinion that assistance should not be awarded to the particular applicant or that the amount thereof as

awarded by the local agency should not be increased, the State Board shall set the matter down for hearing and shall give written notice of the time and place of such hearing to the applicant, at which hearing the applicant shall have the right to appear in person and testify, or to present any other evidence or testimony written or otherwise, to sustain his application. As soon after such hearing as possible and practicable the State Board shall enter a final order on such application, mailing a copy thereof to the applicant and a copy to the local administrative agency, from which said final order there shall be no right of appeal.

Sec. 18a. The amount of old age assistance from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen (\$15.00) Dollars per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed among recipients of assistance in like manner as State Funds are paid under the terms of this Act; provided, that in no case shall such assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Government, shall exceed a total of Thirty (\$30.00) Dollars per month provided that the assistance granted herein shall be granted in such amounts as will provide reasonable subsistence not incompatible with good health and decency.

b. For the purpose of paying the aid and assistance to needy citizens of Texas herein provided for, and for the purpose of defraying the expenses of administering the old age feature of this Act, there is hereby created and established a special fund in the Treasury of the State of Texas, to be kept by the State Treasury separate and apart from all other funds, and to be known as the "Texas Old Age Assistance Fund", and for the purposes above set out there is hereby appropriated out of such funds all amounts received and credited to said fund, or so much thereof as may be necessary, for the fiscal year ending August 31, 1939. Provided that if the fund is insufficient to pay all grants in full, the same shall be paid pro

rata based on the amount granted to each recipient.

Sec. 19a. It shall be the duty of the State Department to review and examine the applications of all persons to whom grants of assistance have heretofore been made under the provisions of House Bill No. 26, Acts, Forty - fourth Legislature, Second Called Session, and House Bill No. 8, Acts, Forty-fourth Legislature, Third Called Session to determine, under the provisions of this Act, the eligibility of such applicants for old age assistance; provided that the State Board shall be authorized to promulgate and adopt such rules and regulations as may be necessary immediately to make grants of assistance to such of those persons as may be eligible under the provisions of this Act. All of such persons who have been heretofore receiving old age assistance under the provisions of House Bill No. 26, Acts of the Forty-fourth Legislature, Second Called Session, or under the provisions of House Bill No. 8, Acts, Forty-fourth Legislature, Third Called Session, who shall not be found to be immediately eligible under such procedure as may be adopted by the State Board under the provisions of the preceding sentence herein, shall be investigated in the manner prescribed by Section 17 of this Act.

Whenever it is found, by investigation of the local administrative agency, or otherwise, that assistance has been granted to any person who is not eligible therefor, the Executive Director shall immediately order such assistance terminated and shall furnish a copy of such order to the applicant and a copy to the local administrative agency, and from such order the applicant shall have the right to appeal to the State Board, and when assistance to any person has been terminated, no further payments shall be made to such person until the State Board shall have determined on appeal that such payments be resumed.

b. The provisions of this Act providing for old age assistance shall not be construed as a vested right in the recipient of old age assistance.

c. And old assistance grant shall be absolutely inalienable by any assignment, power of attorney, sale, charge, or execution or other legal process, and in case of bankruptcy

the assistance shall not pass through any trustee or other person acting on behalf of creditors.

d. The State Department is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests of any money or other property, the proceeds of which shall accrue to the benefits of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the State Department.

Sec. 20a. All old age assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller properly to draw and issue such vouchers or warrants, the State Department shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn, they shall be delivered to the Executive Director of the State Department, who in turn shall supervise the delivery of the same to the persons entitled thereto.

b. The State Department shall furnish monthly to the County Clerk of each county a list showing the names of all persons in such county receiving old age assistance and the amount thereof. Such list shall be a public record in such county and as such shall be available for public inspection at all reasonable hours.

Sec. 21. All grants of old age assistance from the Federal government and its agencies shall not be considered as a part of the State assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

Sec. 22. If any recipient of old age assistance under this Act is convicted of any crime, misdemeanor or felony, or other offenses, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the State Department and the said State Department may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 23. Assistance may be given

under the provisions of this Act to any needy blind person who:

a. Is a citizen of the United States.

b. Is over the age of twenty-one (21) years; and

c. Whose vision is insufficient for use in an occupation for which sight is essential; and who

d. Has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, or who suffered loss of sight while a resident of this State and has resided continuously in this State since loss of sight, or who was blind and resided in this State at the time of the passage of this Act, and who has resided in this State continuously for one (1) year immediately preceding the date of application; and

e. Who is not an inmate of any eleemosynary, charitable or correctional institution of this State, or of any county or city thereof; provided that an inmate of such a charitable institution may, at the discretion of the State Board of Public Welfare, be granted a benefit in order to enable him to maintain himself outside the institution; and

f. Who is not publicly soliciting alms in any part of this State. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting the sign denoting blindness, or the carrying or receptacles for the reception of alms, or the doing of the same by proxy, or by begging from house to house.

Sec. 24. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving aid under the Old Age Assistance Act of the State of Texas.

Sec. 25. The amount of assistance which shall be granted to any needy blind person shall be determined by the State Department through its district or county agencies in the county or district in which the needy blind person resides, with due regard to the resources and necessary expenditures of such needy blind person, and the conditions existing in each case, and in accordance with the rules and regulations made by the State Board, and who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health. The amount of assistance

that may be paid to any needy blind person, who has qualified under the terms of this Act, shall not exceed the sum of Fifteen Dollars (\$15) per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed among the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Government, shall exceed a total of Thirty Dollars (\$30) per month, provided that the assistance granted herein shall be granted in such amounts as will provide reasonable subsistence not incompatible with good health and decency, and provided further that assistance which may be received from some other source, for the purpose of providing surgical operation or medical treatment for the purpose of benefiting or removing the applicant's visual disability, when such operation or treatment is recommended by a qualified ophthalmologist, eye specialist, or physician shall not be considered as income available to the applicant for subsistence.

Sec. 26. No application for assistance as a needy blind person shall be approved until the applicant shall have been examined by an ophthalmologist, eye specialist, or a physician licensed to practice medicine in Texas, and who has been approved by the State Board to make such examinations. The examining ophthalmologist, eye specialist, or physician shall certify, in writing upon forms prescribed by the State Board through the State Department as to the cause, diagnosis and prognosis, and shall make recommendations as to medical and surgical treatment. The Board shall adopt reasonable fee schedules for such examinations. Such fees shall be paid out of the funds appropriated to the State Department for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

Sec. 27. No assistance given to any blind person under the provisions of this Act shall be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be sub-

ject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any insolvency law.

Sec. 28. All assistance granted under the provisions of this Act to any needy blind person shall be reconsidered as frequently as may be required by the rules of the Board. After such further investigation as the State Board through the State Department may deem necessary or may require, the amount of assistance may be changed, or assistance may be entirely withdrawn if the State Board through the State Department finds that the recipient's circumstances have altered sufficiently to warrant such action. The State Department may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the ground of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended, or in any way changed, the State Department shall at once notify the recipient of such decision.

Sec. 29. Every recipient of assistance as a needy blind person shall submit to a re-examination of his eyesight at least once every two (2) years, unless excused therefrom by the State Department. He shall also furnish any information required by the State Department.

Sec. 30. No assistance under the provisions of this Act shall be granted or continued to any needy blind person who refuses medical, surgical, or other treatment, when his eyesight may be partially or wholly restored by such treatment and a certificate in writing to that effect is made by the examining physician, ophthalmologist, or eye specialist. Any person who is denied assistance upon this ground shall be granted an opportunity for a fair hearing as herein provided. The State Board may appoint regular practicing physicians to examine the needy blind as to their physical conditions, and appoint ophthalmologist, eye specialist, or physician, to examine applicants as to the condition of their eyes.

Sec. 31. If the State Department, upon examination, finds that the recipient or claimant for assistance may have such disability benefited or removed by proper surgical operation or medical treatment, according to the evidence of a qualified ophthalmologist, eye specialist, or physician, and such

person entitled to such assistance files his consent in writing, then the State Department may expend for such surgical operation or medical treatment and other expenses incidental thereto, all or any portion of the assistance which the said State Department may award any such person for one year under the provisions of this Act. In such case, the warrant may be directly issued to the person performing such surgical operation or rendering such medical or other services, by the State Department, instead of being paid as the State Department may have directed to the person entitled thereto.

Sec. 32. Any person who shall knowingly, or wilfully procure or attempt to procure, directly or indirectly any allowance for assistance under this Act, for or on account of a person not entitled thereto, or who shall knowingly or wilfully pay, or permit to be paid, an allowance to a person not entitled thereto, shall be guilty of a misdemeanor and shall be fined not less than One Hundred (\$100), or not less than six months (6), nor more than two (2) years imprisonment in the county jail, or by both fine and imprisonment.

Sec. 33. The State Board shall promulgate such rules and regulations stating in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this Act.

Sec. 34. Assistance may be given under the provisions of this Act to any dependent and destitute child who:

a. Is a citizen of the United States:

b. Has resided in this State for a period of at least one year immediately preceding the date of the application for such assistance; or was born within the State within one year immediately preceding the date of application, and whose mother has resided in the State for a period of at least one year immediately preceding the birth of such child.

Sec. 35. The amount of assistance which shall be granted for any dependent and destitute child shall be determined by the State Department through its district or county agencies in the county or district in which the child resides, with due regard to the resources and necessary expenditures of the family of such child and the conditions existing in each case, and

in accordance with the rules and regulations made by the State Board, and shall be sufficient, when added to all other income and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. Provided that the amount of assistance that may be paid for any dependent and destitute child, who has qualified under the terms of this Act, shall not exceed the sum of Eight Dollars (\$8) per month, or if there is more than one dependent child in the same home, the aggregate sum paid for all such children shall not exceed Twelve Dollars (\$12) per month, and, in addition thereto, such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time shall be distributed to the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the assistance received from all other sources, including assistance from the State and Federal Governments, shall exceed a total of Sixteen Dollars (\$16) per month for any one such dependent child, or if there is more than one dependent child in the same home, the aggregate sum paid for all such children shall not exceed Twenty-four Dollars (\$24) per month.

Sec. 36. Application for assistance for a dependent and destitute child under the provisions of this Act shall be made in the manner and upon the form prescribed by the State Department. During the period in which assistance is granted, the local office shall be responsible for continuous supervision and general guidance of all children aided.

Sec. 37. When the investigation discloses that a child in whose behalf application for assistance has been made is a dependent and destitute child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child if other provisions of this Act are complied with.

Sec. 38. The State Department of Public Welfare is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

a. Establishing, extending and

strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent; and

b. Developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county, or other local child welfare services in areas predominantly rural and in other areas of special need; and as may be determined by the rules and regulations of the State Board; and

c. Developing such plans as may be found necessary to effectuate the services contemplated in this Section and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of the Federal "Social Security Act."

Sec. 39. Assistance shall be granted under the provisions of this Act to all persons or families who are in dependent and needy circumstances, and who are ineligible for, or not currently receiving assistance in other categories specified in this Act.

Sec. 40. The State Department shall designate or establish district or local units of administration as its agents in administering these general relief services.

Sec. 41. The State Department is hereby designated as the State Agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources now on hand and available, or that may be provided in the future.

Sec. 42a. In the event that an application for assistance by a needy blind person, or with respect to a dependent and destitute child, is not acted upon by the local unit of administration within a reasonable time after the filing of such an application, or is denied in whole, or in part, or any award of assistance is modified or cancelled, or applicant or recipient is dissatisfied with any action or failure to act on the part of the local administrative unit, the applicant or recipient shall have the right to appeal to the State Board in the manner and form prescribed by the State Board and shall be granted a reasonable notice and opportunity for a fair

hearing before the State Board, or a responsible agent designated by the State Board, providing, however, that all final decisions in cases of appeal shall be made by the State Board.

b. Within a reasonable time prior to an applicant or recipient's appeal hearing, he, or his authorized agents shall be fully advised of the information contained in his record on which action of the local administrative unit was based, and no evidence of which the applicant or recipient is not informed shall be considered by the State Board as a basis for a decision after a hearing.

Sec. 43. No person shall make any charge or receive any fee for representing any applicant or recipient of assistance to the needy aged, the needy blind or to any dependent and destitute child, or for any child welfare services with respect to any application before the State Board or any of its agents, whether such fee or charges be paid by the applicant or recipient or other person, except the usual and customary notary fees.

Sec. 44. All records concerning any applicant or recipient contemplated in this Act shall be confidential, and shall be open to inspection only to persons duly authorized by the State or of the United States, in connection with their official duties; provided, however, that such records shall be available to applicants and recipients and other duly authorized agents for use in a hearing before the Board or any other tribunal.

Sec. 45. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance in this State, except that temporary absence from the State or county, for such periods of time and for such reasons as the State Board shall approve, shall not be deemed to interrupt the residence of the recipient as prescribed in this Act.

Sec. 46. No person who has attained the age of sixty-five (65) and who is not receiving old age assistance shall, by reason of his age, be debarred from receiving other public relief and care.

Sec. 47. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the residents of

this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be accomplished as equitably, economically and expeditiously as possible.

Sec. 48. Whoever obtains, or attempts to obtain, or aids, or abets any person to obtain, by means of a wilfully false statement or representation or by impersonation, or by other fraudulent means:

a. Assistance, services or treatment to which he is not entitled;

b. Assistance, services or treatment greater than that to which he is not entitled;

c. Payment of any forfeited installment grant; or with intent to defraud, aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the Department, or whoever violates Section 43 of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not more than Five Hundred Dollars or be imprisoned for not more than 3 months, or be both so fined and imprisoned, in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

Sec. 49. a. Notwithstanding the taking effect of this Act, the several officers and agencies of the State whose duties are transferred by this Act to the State Department of Public Welfare shall continue to discharge the respective duties which they were discharging at the time of the taking effect of this Act, until the State Board of Public Welfare shall certify in writing, to the Board of Control and to the Old Age Assistance Commission that the Board of Public Welfare is organized, as prescribed in this Act and is prepared to assume the duties assigned to it by the provisions of this Act.

b. All matters and orders pending before or made by any officer or department or unit transferred under this Act to the Department of Public Welfare shall be deemed to be continued in like status in such department.

Sec. 50. All assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any

amending or repealing act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Sec. 51. County Child Welfare Boards established or hereinafter appointed in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, shall continue to function as provided therein.

Sec. 52. There is hereby appropriated out of the General Revenue of this State an additional sum of \$..... Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act for the biennium ending August 31, 1939, and thereafter moneys to be appropriated by the Legislature of the State of Texas.

Sec. 53. No provision of this Act is intended to release the counties in this State from the specific responsibility which is currently borne by those counties in support of public welfare, child welfare and relief services. Such funds which hereafter may be appropriated by the counties for these services and administered through the county or district officer shall be devoted exclusively to the services in the county making such appropriation.

Sec. 54. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants, and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, the sum of \$..... Dollars, or so much thereof as may be necessary, for the period beginning on the effective date of this Act and ending August 31, 1939.

Sec. 55. If any Section, Subsection, paragraph, sentence, clause, phrase, or word of this Act, or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 56. This Act shall be known

and may be cited as "The Welfare Act of 1939."

Sec. 57. House Bill No. 7, Chapter 425, Acts of the Regular Session of the Forty-fifth Legislature and all other Acts, laws or parts thereof in conflict with this Act are hereby repealed.

Sec. 58. The fact there is not a proper agency in this State for administering the several provisions and benefits provided under the provisions of the Federal "Social Security Act", of 1935 and the further fact that there are thousands of needy persons in this State entitled to such benefits, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted."

ALSUP,
BUNDY.

Mr. Alsup offered the following amendment to the amendment:

Amend Alsup substitute for Senate Bill No. 36, by striking out Section 2, and inserting in lieu thereof the following:

"Sec. 2. (a) There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, and Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. In addition to the duties now imposed by law, the State Board of Control is hereby charged with the duty of administering this Act, and for the purpose of administering the provisions of this Act the State Board of Control shall be known as and shall constitute the State Board of Public Welfare. Whenever the word "Board" is used in this Act, it shall mean the State Board of Public Welfare, which shall be composed of the three members of the Board of Control. The members of the Board shall be entitled to all reasonable and necessary expenses incurred in the discharge of official duties, such allowance, however, not to exceed the sum fixed by law for other State officials in the discharge of similar duties. The Chairman of the State Board of Control, acting as the State Board of Public Welfare, shall be the Chairman of the State Board of Public

Welfare. Two members of the State Board shall constitute a quorum for the purpose of transacting business.

"(b) On the effective date of this Act, the State Board of Public Welfare, as herein created, shall select and appoint an Executive Director of the State Department of Public Welfare who shall serve as the executive and administrative officer of the State Department. He shall be a person of demonstrated executive ability and extensive experience in public welfare administration. He shall serve at the pleasure of the Board and his salary shall be fixed by the Board until otherwise changed by biennial appropriations therefor at Five Thousand (\$5,000) per annum. Said person so selected and appointed shall have been a resident citizen of Texas for at least ten (10) years immediately preceding his selection and appointment."

ALSUP,
BUNDY.

(Pending consideration of the amendment, by Mr. Alsup, Mr. Thornton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question—Shall the amendment by Mr. Alsup to the amendment be adopted?

HOUSE BILL NO. 909 WITH SENATE AMENDMENTS

Mr. Blankenship called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 909, A bill to be entitled "An Act to amend Article 1654a, Section 1, of the Revised Civil Statutes; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

On motion of Mr. Blankenship, the House concurred in the Senate amendments by the following vote:

Yeas—127

Allen	Bond
Allison	Boyd
Alsup	Boyer
Anderson	Bradbury
Bailey	Bradford
Baker	Bridgers
of Fort Bend	Broadfoot
Baker of Grayson	Brown of Cherokee
Bell	Brown
Blankenship	of Nacogdoches
Boethel	Bundy

Burkett	Loggins
Cauthorn	McAlister
Chambers	McDonald
Cleveland	McFarland
Cockrell	McNamara
Coleman	Mohrmann
Colquitt	Monkhouse
Colson, Mrs.	Montgomery
Cornett	Morris
Corry	Newell
Crossley	Nicholson
Daniel	Oliver
Davis of Jasper	Pace
Davis of Upshur	Petsch
Dean	Pevehouse
Derden	Piner
Dickison	Pope
Dickson	Reader of Erath
Donaghey	Reaves
Faulkner	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Galbreath	Russell
Gilmer	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harrell of Lamar	Stoll
Heflin	Talbert
Holland	Taylor
Howard	Tennant
Howington	Thornberry
Hull	Thornton
Hunt	Turner
Isaacks	Vint
Johnson of Tarrant	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Kersey	Westbrook
Kinard	White
King	Wilson
Langdon	Winfree
Lehman	Wood
Little	Worley
Lock	Wright

Absent

Bray	Hartzog
Burney	Johnson of Ellis
Celaya	Keith
Clark	Leonard
Dwyer	Leyendecker
Goodman	London
Harris	McDaniel

McMurry	Tarwater
Reader of Bexar	Vale
Reed	

Absent—Excused

Dowell	Ragsdale
Mays	

HOUSE BILL NO. 634 WITH SENATE AMENDMENTS

Mr. Harp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 634, A bill to be entitled "An Act providing for a Rural School Music Supervisor in certain counties, prescribing the duties of said Supervisor, prescribing the method of employing the Supervisor and the matter of fixing and paying salary, and declaring an emergency."

On motion of Mr. Harp, the House concurred in the Senate amendments by the following vote:

Yeas—132

Allison	Dickison
Alsup	Dickson
Anderson	Donaghey
Bailey	Dwyer
Baker	Faulkner
of Fort Bend	Felty
Baker of Grayson	Ferguson
Bell	Fielden
Blankenship	Fuchs
Boethel	Galbreath
Bond	Gilmer
Boyd	Gordon, Mrs.
Boyer	Hale
Bradbury	Hamilton
Bradford	Hankamer
Bridgers	Hardeman
Broadfoot	Hardin
Brown of Cherokee	Harp
Bundy	Harper
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Heflin
Chambers	Holland
Clark	Howard
Cleveland	Howington
Cockrell	Hull
Coleman	Hunt
Colquitt	Isaacks
Colson, Mrs.	Johnson of Tarrant
Cornett	Keith
Corry	Kennedy
Crossley	Kern
Davis of Upshur	Kerr
Dean	Kersey
Derden	Kinard

Langdon	Robinson
Lehman	Russell
Leonard	Schuenemann
Little	Segrist
Lock	Shell
London	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Taylor
Newell	Tennant
Nicholson	Thornberry
Oliver	Thornton
Pace	Turner
Petsch	Vale
Pevehouse	Vint
Piner	Waggoner
Pope	Weldon
Reader of Bexar	Wells
Reader of Erath	Westbrook
Reaves	White
Reed	Wilson
Rhodes	Winfree
Riviere	Wood
Roach	Worley
Roberts	Wright

Absent

Allen	Harris
Bray	Hartzog
Brown	Johnson of Ellis
of Nacogdoches	King
Celaya	Leyendecker
Daniel	Loggins
Davis of Jasper	Voigt
Goodman	

Absent—Excused

Dowell	Ragsdale
Mays	

RELATIVE TO HOUSE BILL NO. 945

On motion of Mr. Kinard, and by unanimous consent of the House, the caption of House Bill No. 945 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO SENATE BILL
NO. 75

Mr. Johnson of Tarrant moved that the committee substitute for Senate Bill No. 75 be printed in mimeograph form.

Mr. Wood moved to table the motion by Mr. Johnson of Tarrant.

The motion to table was lost.

Question then recurring on the motion by Mr. Johnson of Tarrant, it prevailed.

Mr. Cornett moved that the Attorney General be requested to render an opinion as to the constitutionality of the committee substitute for Senate Bill No. 75.

On motion of Mr. Monkhouse, the motion by Mr. Cornett was tabled.

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. C. R. No. 21, Relative to the San Jacinto Memorial Tower.

H. C. R. No. 98, Recalling House Bill No. 310 from the Governor.

H. B. No. 633, "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact, and declaring an emergency."

H. B. No. 170, "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein—specifically, in all those counties having not less than fifty thousand (50,000), and not more than fifty thousand, one hundred (50,100), according to the Federal Census of 1930; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 365, "An Act authorizing the Commissioners Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

H. B. No. 391, "An Act regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets or shrimp trawls in the open waters of East Galveston Bay in the Counties of Galveston and Chambers, and in certain waters of Galveston Bay, during the period beginning August 15 and ending May 15 of each year; making it unlawful to use certain nets contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession certain seines or nets in or on any of the tidal waters of this State where said nets are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or enroute to or from the Gulf of Mexico; providing for seizure of said nets by officers of the State and for trial of defendant; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

RECESS

On motion of Mr. Anderson, the House, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following Members were granted leaves of absence, as follows:

Mr. Fielden for this afternoon, on account of important business, on motion of Mr. Bond.

Mr. Colquitt for this afternoon, on account of illness, on motion of Mr. Harper.

Mr. Ragsdale for today, on account of important business, on motion of Mr. Lock.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Thornton, Senate Bill No. 430 was ordered not printed.

SENATE BILL NO. 430 ON SECOND READING

Mr. Thornton moved that all necessary House Rules and the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 430 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Allison	Hardeman
Alsup	Harp
Anderson	Harper
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Heflin
Baker of Grayson	Holland
Bell	Howard
Blankenship	Howington
Boethel	Hull
Bond	Hunt
Boyd	Isaacks
Bradbury	Johnson of Ellis
Bradford	Johnson of Tarrant
Bray	Keith
Bridgers	Kennedy
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Bundy	King
Burkett	Langdon
Burney	Lehman
Cauthorn	Leyendecker
Chambers	Little
Clark	Lock
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Corry	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Derden	Newell
Dickson	Nicholson
Dickson	Oliver
Donaghey	Pace
Dwyer	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Gilmer	Reed
Hale	Rhodes
Hamilton	Riviere

Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vale
Segrist	Vint
Shell	Voigt
Skiles	Waggoner
Smith	Weldon
of Matagorda	Wells
Spencer	Westbrook
Stinson	Wilson
Stoll	Winfree
Talbert	Wood
Taylor	Wright
Tennant	

Nays—4

Allen	Smith of Hopkins
Cornett	White

Absent

Boyer	Kinard
Broadfoot	Leonard
Celaya	Loggins
Dean	London
Goodman	Pope
Gordon, Mrs.	Ragsdale
Hankamer	Schuenemann
Hardin	Smith of Frio
Harrell of Bastrop	Tarwater
Hartzog	Worley

Absent—Excused

Dowell	Mays
Fielden	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 430, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the per diem of Members, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 430 ON THIRD READING

The Speaker then laid Senate Bill No. 430 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Allison	Anderson
Alsop	Bailey

Baker	Kerr
of Fort Bend	Kersey
Baker of Grayson	Kinard
Bell	King
Blankenship	Langdon
Boethel	Lehman
Bond	Leyendecker
Boyd	Little
Boyer	Lock
Bradbury	Loggins
Bradford	McAlister
Bray	McDaniel
Bridgers	McDonald
Broadfoot	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Bundy	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Clark	Morris
Cleveland	Newell
Cockrell	Nicholson
Coleman	Oliver
Colquitt	Pace
Colson, Mrs.	Petsch
Crossley	Pevehouse
Daniel	Piner
Davis of Jasper	Reader of Bexar
Davis of Upshur	Reader of Erath
Dean	Reaves
Derden	Reed
Dickison	Rhodes
Dickson	Riviere
Donaghey	Roach
Dwyer	Roberts
Faulkner	Robinson
Felty	Segrist
Ferguson	Skiles
Fuchs	Smith of Frio
Galbreath	Spencer
Gilmer	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Taylor
Hardeman	Tennant
Harp	Thornberry
Harper	Thornton
Harrell of Lamar	Turner
Harris	Vale
Heflin	Vint
Holland	Voigt
Howard	Waggoner
Howington	Weldon
Hull	Wells
Hunt	Westbrook
Isaacks	Wilson
Johnson of Ellis	Winfree
Johnson of Tarrant	Wood
Keith	Worley
Kennedy	Wright
Kern	

Nays—5

Allen	Cornett
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Russell	White
Smith of Hopkins	
Absent	
Brown of Cherokee	Leonard
Burkett	London
Celaya	Pope
Chambers	Ragsdale
Corry	Schuenemann
Goodman	Shell
Hankamer	Smith
Hardin	of Matagorda
Harrell of Bastrop	Tarwater
Hartzog	

Absent—Excused

Dowell	Mays
Fielden	

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 249

The Speaker announced the appointment of the following Conference Committee on House Bill No. 249: Messrs. Keith, Hull, Felty, Colquitt and Baker of Fort Bend.

APPOINTMENT OF COMMITTEE PURSUANT TO HOUSE SIMPLE RESOLUTION NO. 230

The Speaker announced the appointment of the following Members, in accordance with the provisions of House Simple Resolution No. 230: To investigate Atlanta Explosion: Messrs. Wood, Chairman, Bradbury, Harper, Harrell of Lamar and Morris.

MESSAGE FROM THE SENATE

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 412 by the following vote: Yeas, 25; Nays, 0.

Concurred in House amendments to Senate Bill No. 275 by the following vote: Yeas, 25; Nays, 0.

Has adopted the following:

H. C. R. No. 96, Instructing the Speaker of the House and Chief Clerk of the House to erase their names from House Bill No. 426.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 36 ON PASSAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 36, to create and establish the State Board of Public Welfare, on its passage to third reading.

The bill having been read second time, on this morning, with amendment by Mr. Alsup, and amendment by Mr. Alsup to the amendment, pending.

On motion of Mr. Alsup, the amendment heretofore offered by himself to the amendment, was tabled.

Mr. Derden offered the following amendment to the amendment by Mr. Alsup:

Amend Alsup substitute to Senate Bill No. 36, by adding a new Section to be known as Section 13A, to read as follows:

"Section 13A. (a) All applications for old age assistance shall be filed in duplicate with the County Clerk in the county where the applicant resides and in said application the following statements and facts shall be revealed:

(1) The place, the day, the month and the year of the applicant's birth.

(2) That said applicant is a citizen of the United States.

(3) That applicant has resided in the State of Texas for five (5) years or more within the last nine (9) years next preceding the date of the application for assistance, and that the applicant has resided in the State of Texas continuously for one (1) year immediately preceding the application, together with all of the places where applicant has resided during all of the said nine (9) years next preceding the date of application.

(4) That the applicant is not at the time of making said application an inmate in any public or private home for the aged, or any public or private institution of a custodial, correctional or curative character.

(5) Is not a habitual criminal or a habitual drunkard.

(6) A list of real and personal property owned by the applicant and the amount of net income which he receives from the earnings of his property or for his personal services or labor.

(7) Whether the applicant is married or single.

(8) Such other questions as will disclose all circumstances surrounding the applicant's living conditions.

(9) All applications shall be signed by the applicant, or in case said applicant is unable to sign his own name, it shall be signed by another in the presence of two (2) witnesses, and sworn to by the applicant before any officer authorized to administer oaths in Texas.

(b) It shall be the duty of the Board to provide the County Clerk of this State with suitable forms with the proper questions that will bring out from the applicant the information required in the preceding Sections hereof.

(c) Upon the receipt of an application for assistance the County Clerk shall immediately forward both copies of said application to the Board at Austin.

(d) Upon receipt of an application for old age assistance from the County Clerk's office it shall be the duty of the Board to examine said application and to determine the truth or the falsity of all statements and reports therein contained, and to determine the needs of the applicant and to make a grant or a denial.

(e) Any applicant who is denied assistance shall have the right to demand an investigation of his condition and circumstances and to have the right to demand that the report of the investigation and the applicant's transcript and all papers and evidence in the hands and possession of said Board be delivered to an agency designated to hear applications on appeal where said agency shall thereafter at the earliest possible time give said applicant an opportunity to be heard at which time the agency shall either uphold the ruling of the said Board or overrule the same and grant said applicant assistance. No applicant may ask for a rehearing on his application after the same has been denied on appeal for a period of not less than six months, such a rehearing to be held by the Board on a new application, from which ruling appeal may be had as in the first instance.

(f) Any person found guilty of willfully and intentionally making a false statement as to their age, citizenship or any other information required in their application for old age assistance or who willfully fails to report any property owned by them or who willfully and intentionally mis-

states the amount of their net income upon their application for old age assistance shall be deemed guilty of fraud and shall be fined not less than Fifty (\$50) Dollars and not more than Two Hundred (\$200) Dollars or a jail sentence of not less than thirty (30) days and not more than six (6) months, or both fine and jail sentence, and shall be deemed ineligible for assistance for all times thereafter.

(g) Upon the discovery of an applicant who has filed an application in which the applicant has made a false statement as to his age, citizenship, residence or any other false statement in regard to any of the requirements for qualification for assistance or any false statement with regard to his property or net income, it shall be the duty of the Board to deliver said application to the County or District Attorney in said County for prosecution and upon the receipt of such application from the Board, it shall be the duty of the County or District Attorney and the Sheriff's Department of said County to properly investigate and prosecute such applicant as is their duty in the violation of any other of the laws of this State."

Mr. Bradbury offered the following substitute for the amendment by Mr. Derden:

Amend Alsup substitute to Senate Bill No. 36, by adding a new Section, to read as follows:

"In all counties, the local agency shall be the Commissioners' Court of each county.

The application shall be on forms prescribed by the Board, shall be duly sworn to before the county judge in counties, and when the truth of the statements have been investigated and established to the satisfaction of the Commissioners' Court of such county, the application shall be signed by the Commissioners' Court of counties, and the application shall be forwarded to the Board. The local agency in each county shall recommend to the Board the amount, if any, of the grant to be paid each applicant, which the Board shall take into consideration in approving such grant. The applications which have been made under House Bill No. 8, Acts of Forty-fourth Legislature, Third Called Session, and House Bill No. 26, Forty-fourth Legislature, Second Called Session, shall not be required to be remade, and the Board shall designate the amount

of each grant each applicant shall receive from the records of the application filed with the Board. However, if the records are not complete, or sufficient to indicate to the Board the proper grant to allow each applicant, the applicant shall be returned to the local agency for further investigation and recommendation. If the Federal Government will not approve such a system of local administration, and their approval is carried so far as to deny Texas, Federal Aid then the Board shall promulgate such rules and regulations of administration as will meet the approval of the Federal Government. However, they must use the County Judge and County Commissioners' Court so far as possible in assisting in the administration; and in the event the Federal Government will withhold Federal Aid if the County Judge or County Commissioners' Court has anything to do with administration, then the Board shall promulgate such rules and regulations as will meet the approval of the Federal Government, keeping in mind at all times that cost of administration must be kept as low as possible.

On motion of Mr. Alsup, the substitute amendment by Mr. Bradbury was tabled.

Mr. Broadfoot moved to table the amendment by Mr. Derden to the amendment by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Anderson	Davis of Jasper
Baker	Davis of Upshur
of Fort Bend	Dickison
Baker of Grayson	Dwyer
Bell	Faulkner
Blankenship	Ferguson
Boethel	Fuchs
Bond	Gordon, Mrs.
Boyd	Hamilton
Bradford	Hankamer
Bridgers	Hardeman
Broadfoot	Harper
Brown of Cherokee	Harrell of Bastrop
Bundy	Heflin
Cauthorn	Howard
Celaya	Hull
Cleveland	Johnson of Tarrant
Coleman	Keith
Daniel	Kersey

King	Riviere
Langdon	Roach
Leyendecker	Roberts
Lock	Russell
London	Schuenemann
McAlister	Segrist
McDonald	Smith
McFarland	of Matagorda
Mohrmann	Stinson
Monkhouse	Tarwater
Morris	Taylor
Nicholson	Thornberry
Petsch	Thornton
Pope	Vale
Reader of Bexar	Waggoner
Reader of Erath	Wood
Reed	Wright

Nays—56

Allen	Kern
Bailey	Kerr
Boyer	Lehman
Bradbury	Loggins
Brown	McMurry
of Nacogdoches	McNamara
Burkett	Montgomery
Burney	Newell
Chambers	Oliver
Clark	Pevehouse
Cockrell	Piner
Colson, Mrs.	Reaves
Cornett	Rhodes
Corry	Robinson
Crossley	Skiles
Derden	Smith of Frio
Dickson	Smith of Hopkins
Donaghey	Spencer
Galbreath	Stoll
Gilmer	Tennant
Hale	Turner
Harp	Vint
Harris	Weldon
Holland	Wells
Howington	Westbrook
Hunt	Wilson
Isaacks	Winfree
Johnson of Ellis	Worley
Kennedy	

Absent

Allison	Leonard
Alsup	Little
Bray	McDaniel
Dean	Pace
Felty	Ragsdale
Goodman	Shell
Hardin	Talbert
Harrell of Lamar	Voigt
Hartzog	White
Kinard	

Absent—Excused

Colquitt	Fielden
Dowell	Mays

Mr. Tennant offered the following amendment to the amendment by Mr. Alsup:

Amend Alsup substitute to Senate Bill No. 36, by striking out the first two paragraphs in Section 2, and inserting in lieu thereof, the following:

"There is hereby created a department of public welfare which shall consist of a State Board of Public Welfare, and Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. The State Board of Public Welfare shall be composed of three (3) members: one to be appointed by the Governor of the State of Texas for a six (6) year term, one to be appointed by the Lieutenant-Governor of the State of Texas for a four (4) year term, and one to be appointed by the Speaker of the House of Representatives of Texas for a two (2) year term. Such appointment shall be made with the advice and consent of the Senate; such appointment shall be made immediately upon effective date of this Act, thereafter vacancies for any new term or unexpired term shall be filled by appointment of the Governor with the advice and consent of the Senate and each member of said board shall hold his office until his successor has been appointed and has qualified by taking the oath of office and giving bond as hereinafter prescribed. The State Board of Public Welfare shall have its office and/or offices in Austin, Texas, in such building and/or buildings as may be designated by the State Board of Control."

TENNANT,
BELL,
HOLLAND.

Mr. Corry moved the previous question on the pending amendments, and the passage of Senate Bill No. 36 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question recurring on the amendment by Mr. Tennant to the amendment, it was adopted.

Mr. Alsup offered the following amendment to the amendment:

Amend Alsup substitute, by inserting the words and figures "One Hundred Thousand (\$100,000.00) Dollars"

after the word "of" in line 6, Section 52, page 22.

ALSUP,
BUNDY.

Mr. Piner moved the previous question, on the pending amendments, and the passage of Senate Bill No. 36 to third reading, and the main question was ordered.

Question recurring on the amendment by Mr. Alsup to the amendment, it was adopted.

Question then recurring on the amendment by Mr. Alsup, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 36 was then passed to third reading.

SENATE BILL NO. 36 ON THIRD READING

Mr. Alsup moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Allison	Cornett
Alsup	Corry
Anderson	Crossley
Bailey	Daniel
Baker	Davis of Jasper
of Fort Bend	Derden
Baker of Grayson	Dickison
Bell	Dickson
Boethel	Donaghey
Boyd	Felty
Boyer	Fielden
Bradbury	Fuchs
Bradford	Galbreath
Bridgers	Gilmer
Broadfoot	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hankamer
Bundy	Hardeman
Burkett	Harp
Burney	Harper
Cauthorn	Harrell of Bastrop
Celaya	Harrell of Lamar
Chambers	Harris
Clark	Heflin
Cleveland	Holland
Cockrell	Howard
Coleman	Howington
Colson, Mrs.	Hull

Hunt	Riviere
Isaacks	Roach
Johnson of Tarrant	Roberts
Kennedy	Robinson
Kern	Russell
Kerr	Schuenemann
Kersey	Shell
Kinard	Skiles
King	Smith of Frio
Langdon	Smith of Hopkins
Lehman	Smith
Leonard	of Matagorda
Leyendecker	Spencer
Little	Stinson
London	Stoll
McAlister	Tarwater
McDaniel	Taylor
McDonald	Tennant
McFarland	Thornberry
McMurry	Thornton
Mohrmann	Vale
Monkhouse	Vint
Montgomery	Voigt
Morris	Waggoner
Newell	Weldon
Nicholson	Wells
Oliver	Westbrook
Pace	White
Pevehouse	Wilson
Piner	Winfree
Reader of Bexar	Wood
Reader of Erath	Worley
Reaves	Wright
Reed	

Nays—12

Allen	Johnson of Ellis
Blankenship	Keith
Bray	Lock
Davis of Upshur	McNamara
Ferguson	Rhodes
Hamilton	Turner

Absent

Bond	Hartzog
Brown of Cherokee	Loggins
Dean	Petsch
Dwyer	Pope
Faulkner	Ragsdale
Goodman	Segrist
Hardin	Talbert

Absent—Excused

Colquitt	Mays
Dowell	

The Speaker then laid Senate Bill No. 36 before the House on third reading and final passage.

The bill was read third time.

Mr. Hamilton moved the previous question, on the final passage of Sen-

ate Bill No. 36, and the main question was ordered.

Senate Bill No. 36 was then passed by the following vote:

Yeas—114

Allen	Isaacks
Allison	Johnson of Ellis
Alsup	Johnson of Tarrant
Anderson	Kennedy
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Leonard
Blankenship	Little
Boethel	Loggins
Bond	London
Boyd	McDaniel
Boyer	McDonald
Bradbury	McFarland
Bridgers	McMurry
Broadfoot	Monkhouse
Brown of Cherokee	Montgomery
Brown	Morris
of Nacogdoches	Newell
Burkett	Nicholson
Cauthorn	Oliver
Celaya	Pace
Chambers	Pevehouse
Clark	Piner
Cleveland	Reader of Bexar
Cockrell	Reader of Erath
Coleman	Reaves
Cornett	Reed
Corry	Riviere
Crossley	Roberts
Davis of Jasper	Robinson
Derden	Russell
Dickison	Schuenemann
Dickson	Segrist
Donaghey	Smith of Hopkins
Felty	Smith
Ferguson	of Matagorda
Fuchs	Spencer
Galbreath	Stinson
Gilmer	Stoll
Gordon, Mrs.	Tarwater
Hale	Taylor
Hankamer	Tennant
Hardeman	Thornberry
Hardin	Thornton
Harp	Turner
Harper	Vale
Harrell of Bastrop	Vint
Harrell of Lamar	Voigt
Harris	Waggoner
Heflin	Weldon
Holland	Wells
Howard	Westbrook
Howington	White
Hull	Wilson
Hunt	Winfree

Wood
Worley

Wright

Nays—17

Bradford	Lehman
Bray	Lock
Burney	McAlister
Colson, Mrs.	McNamara
Davis of Upshur	Pope
Hamilton	Rhodes
Keith	Roach
Kern	Smith of Frio
Kinard	

Absent

Bundy	Leyendecker
Daniel	Mohrmann
Dean	Petsch
Dwyer	Ragsdale
Faulkner	Shell
Goodman	Skiles
Hartzog	Talbert

Absent—Excused

Colquitt	Fielden
Dowell	Mays

Mr. Alsup moved to reconsider the vote by which Senate Bill No. 36 was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I believe the consolidation of the several bureaus and boards into a single board will result in a saving to the State of Texas.

SPENCER.

I voted "no" on Senate Bill No. 36 as substituted because the previous question was ordered before important amendments were considered.

LOCK.

I voted "nay" on final passage of Senate Bill No. 36, because it provides for the creation of a new board of three members at \$5,000.00 salary. I believe the bill is extravagant—out of harmony with my promise of no new boards and economy in government.

ROACH.

MESSAGE FROM THE SENATE

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate

has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 249.

The following have been appointed, on the part of the Senate: Senators Van Zandt, Small, Moore, Aikin and Cotten.

Adopted

H. C. R. No. 100, Authorizing the Enrolling Clerk of the House to correct House Bill No. 517.

H. C. R. No. 101, Commending the President of the United States for his efforts to maintain world peace.

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 683.

The following have been appointed, on the part of the Senate: Senators Shivers, Burns, Stone of Galveston, Lanning and Roberts.

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 37, Authorizing the Enrolling Clerk of the Senate to correct Senate Bill No. 410.

Passed

H. B. No. 853, A bill to be entitled "An Act providing for salary to be paid County Superintendent of Schools in certain counties, and declaring an emergency."

H. B. No. 894, A bill to be entitled "An Act providing that it shall be unlawful to shoot quail in McCulloch and San Saba Counties until December 1, 1941; providing a suitable pen-

alty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

S. B. No. 214, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, and as amended by Acts of the Forty-fifth Legislature, First Called Session; by adding thereto Article 1645d-2, fixing the compensation of the County Auditors of every county having a population of not less than forty-nine thousand, one hundred (49,100) and not more than fifty-one thousand (51,000) inhabitants, according to the 1930 Federal Census, and prescribing how same shall be paid, repealing all laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 126 ON SECOND READING

On motion of Mr. Galbreath, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 126.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 126, A bill to be entitled "An Act amending Article 7204 of the Vernon's Texas Statutes, Centennial Edition, by adding another paragraph at the close of the said Article, to be numbered 43, providing for a penalty for failure to give proper inventory of property, and declaring an emergency."

The bill was read second time.

Mr. Galbreath offered the following committee amendment to the bill:

Amend House Bill No. 126, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

Sec. 1. That Article 7174 of the Revised Civil Statutes of 1925 be amended to hereafter read as follows:

"Article 7174. Valuation of property for taxation. Each separate parcel of real property shall be valued at its true and full value in money, ex-

cluding the value of crops growing or ungathered thereon.

In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or a forced sale or in the aggregate with all the property in his county; but he shall value each tract or lot by itself, and at such sum and price as he believes the same to be fairly worth in money as the time such assessment is made.

In valuing any real property on which there is a coal or other mine or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such price as such property, including a mine, or quarry or spring would probably sell at a fair voluntary sale for cash.

Taxable leasehold estates shall be valued at such a price as they would bring at a fair voluntary sale for cash.

Personal property of every description shall be valued at its true and full value in money.

Money, whether in possession or on deposit, or in the hands of any member of the family, or any other person whatsoever, shall be entered in the statement at the full amount thereof.

Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full value of the same so payable. If for a specified article or for a specified number or quantity of property of any kind, it shall be valued at the current price of such property at the place where payable. Annuities or moneys payable at stated periods shall be valued at the price that the person listing the same believes them to be worth in money.

Any person who shall fail to correctly list his property with the Tax Assessor of the county in which said property is located and/or with the Tax Assessor of any local unit of government, shall have assessed against him a penalty of ten (10%) per cent of the amount of the tax on the property which said person, either natural or artificial, failed to render according to the provisions of this Act. It shall be the duty of said person or agent rendering said property to call

at the office of the Tax Assessor of the County and/or any local unit of government and give the inventory and list of his property as herein provided."

Sec. 2. The fact that the present law is insufficient to require a proper rendition of all taxable property located within this State; and the fact that failure to secure a proper rendition of all taxable property within this State creates an unequal tax against the owners of said taxable property, and creates an emergency and an imperative public necessity that the Constitutional Rules requiring that bills be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Mr. Johnson of Tarrant offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 126, by adding a new Section after Section 2, reading as follows:

"Provided this Act shall not apply to counties whose population was less than twenty-nine thousand, six hundred and eighty (29,680) nor more than twenty-nine thousand, six hundred and eighty-two (29,682), according to the last preceding Federal Census."

JOHNSON of Tarrant,
McMURRY,
KERSEY,
PETSCH.

Mr. Johnson of Ellis raised a point of order, on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Bradbury moved the previous question, on the pending committee amendment, and the engrossment of House Bill No. 126, and the main question was ordered.

Mr. Boyer moved to reconsider the vote by which the previous question was ordered.

Mr. Galbreath moved to table the motion to reconsider.

The motion to table prevailed.

Question recurring on the committee amendment, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 126 failed to pass to engrossment by the following vote:

Yeas—55

Allen	Kern
Allison	Kerr
Bailey	Lehman
Baker of Grayson	Lock
Bradbury	Loggins
Brown	London
of Nacogdoches	McMurry
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Pevehouse
Cockrell	Pope
Cornett	Reader of Erath
Davis of Jasper	Reaves
Dickson	Roach
Galbreath	Roberts
Hale	Skiles
Hardin	Smith of Hopkins
Harp	Spencer
Harrell of Bastrop	Stoll
Hartzog	Talbert
Holland	Vint
Howard	Weldon
Howington	Wells
Hunt	Westbrook
Isaacks	White
Johnson of Ellis	Winfree
Keith	Worley
Kennedy	Wright

Nays—62

Alsup	Goodman
Anderson	Gordon, Mrs.
Bell	Hankamer
Blankenship	Harrell of Lamar
Bond	Harris
Boyd	Kersey
Boyer	Kinard
Bridgers	Langdon
Brown of Cherokee	Leyendecker
Bundy	Little
Celaya	McDaniel
Clark	McDonald
Cleveland	McFarland
Coleman	McNamara
Corry	Mohrmann
Daniel	Morris
Davis of Upshur	Newell
Derden	Nicholson
Donaghey	Oliver
Dwyer	Pace
Felty	Petsch
Ferguson	Reader of Bexar
Fuchs	Reed
Gilmer	Rhodes

Robinson	Thornberry
Russell	Thornton
Smith of Frio	Turner
Stinson	Vale
Tarwater	Waggoner
Taylor	Wilson
Tennant	Wood

Absent

Baker	Heflin
of Fort Bend	Hull
Boethel	Johnson of Tarrant
Bradford	King
Bray	Leonard
Broadfoot	McAlister
Burkett	Piner
Colson, Mrs.	Ragsdale
Crossley	Riviere
Dean	Schuenemann
Dickison	Segrist
Faulkner	Shell
Hamilton	Smith
Hardeman	of Matagorda
Harper	Voigt

Absent—Excused

Colquitt	Fielden
Dowell	Mays

Mr. Anderson moved to reconsider the vote by which House Bill No. 126 failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 19 ON SECOND READING

Mr. Hartzog moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 19.

The motion prevailed by the following vote:

Yeas—72

Alsup	Coleman
Anderson	Colson, Mrs.
Baker	Corry
of Fort Bend	Crossley
Bell	Daniel
Boethel	Davis of Jasper
Bond	Dickson
Bradford	Donaghey
Bridgers	Dwyer
Broadfoot	Faulkner
Burkett	Fuchs
Burney	Galbreath
Cauthorn	Gilmer
Celaya	Goodman
Clark	Harper
Cockrell	Harrell of Bastrop

Hartzog	Petsch
Holland	Pope
Howard	Ragsdale
Hull	Reader of Bexar
Isaacks	Reader of Erath
Johnson of Ellis	Reed
Johnson of Tarrant	Robinson
Keith	Smith of Hopkins
Kern	Talbert
Kerr	Taylor
Kinard	Tennant
Leyendecker	Thornton
Little	Turner
McAlister	Vale
McDaniel	Vint
McFarland	Voigt
McMurry	Waggoner
Mohrmann	Winfree
Monkhouse	Wood
Nicholson	Wright
Oliver	

Nays—56

Allen	Lehman
Allison	Lock
Bailey	London
Baker of Grayson	McDonald
Boyd	McNamara
Boyer	Montgomery
Bradbury	Morris
Brown of Cherokee	Newell
Brown	Pevehouse
of Nacogdoches	Piner
Chambers	Reaves
Cleveland	Rhodes
Cornett	Roach
Davis of Upshur	Roberts
Derden	Russell
Ferguson	Segrist
Hale	Skiles
Hamilton	Spencer
Hardeman	Stinson
Harp	Stoll
Harrell of Lamar	Tarwater
Harris	Thornberry
Heflin	Weldon
Howington	Wells
Hunt	Westbrook
Kennedy	White
Kersey	Wilson
King	Worley
Langdon	

Present—Not Voting

Bray

Absent

Blankenship	Hankamer
Bundy	Hardin
Dean	Leonard
Dickison	Loggins
Felty	Pace
Gordon, Mrs.	Riviere

Schuenemann
Shell
Smith of Frio

Smith
of Matagorda

Absent—Excused

Colquitt
Dowell

Fielden
Mays

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 19, A bill to be entitled "An Act levying an increased occupation tax on marble machines; providing for the collection and distribution thereof; appropriating to the State Comptroller of Public Accounts sufficient funds to administer the same; defining 'marble machines', 'owners' and 'exhibitor' thereof; making it unlawful for any owner or exhibitor of said machines to operate, display or exhibit such machines for operation without the tax thereon having first been paid and license obtained from the Comptroller; making it unlawful for the owner or exhibitor of such machines to knowingly permit, allow or consent to any person under the age of twenty-one (21) years to place a coin or token in said machines for the purpose of operating the same; making it unlawful for any person to place a slug, counterfeit coin or counterfeit token in said machines for the purpose of operating same; prescribing penalties for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Hartzog offered the following committee amendment to the bill:

Amend House Bill No. 19, by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. This Act shall be known and cited as the Texas Marble Machine Tax Law.

Section 2. Definitions—The following words, terms and phrases as used in this Act are hereby defined as follows:

(a) The term 'owner' as used herein shall mean and include any persons, individual, firm, company, association or corporation owning or having the care, control, management or possession in this State of any of the machines hereinafter defined.

(b) The term 'exhibitor' as used herein shall mean and include any person, firm, company, association or corporation who exhibits, displays or permits to be exhibited or displayed for operation or play, in his or its place of business or upon premises under his or its control in this State, any of the machines hereinafter defined.

(c) The term 'marble machine' is any machine or table which contains a projector or plunger with a spring attachment by which a marble or marbles are shot onto a playing field, and which requires some element of skill in playing, or shooting the marble or marbles into certain position or positions on the playing field of such machine or table, and by the ultimate operation of which machine or table the player or players may receive prizes, and which machine or table requires the placing of a coin or coins or some other type of token or tokens therein to permit its operation.

No license shall be issued for any marble machine, the operation of which or the result of such operation, delivers to or rewards any player or players with money, but such licenses shall be issued only to marble machines that reward the player or players with merchandise or tokens that are redeemable in merchandise.

Section 3. Every owner of each such marble machine as herein defined shall pay to the Comptroller of the State of Texas on each and every such machine or table an annual occupation tax upon the following basis:

(a) For each such machine or table in which a coin or any other type of token may be used, the value of which coin or token does not exceed five (5c) cents, a tax of Thirty (\$30.00) Dollars per annum.

(b) The owner of marble machines, as herein defined, shall annually pay to the State Comptroller an occupation tax upon the following basis:

1 to 10 machines.....	\$100.00
10 to 25 machines.....	150.00
25 to 50 machines.....	250.00
50 to 100 machines.....	350.00
100 to 250 machines.....	500.00
250 to 500 machines.....	750.00
Over 500 machines.....	1,000.00

Section 4. Any county, city, town or municipality in which such machine is operated is hereby authorized

to levy and collect an occupation tax not to exceed one-half of the amounts herein provided for each such machine so operated, displayed or exhibited. Provided that the tax herein authorized and imposed shall be in lieu of any other occupation tax imposed by the State or any political subdivision thereof on such machines or tables.

Section 5. Nothing in this Act shall authorize the operation in this State of slot machines, or any other machine or table which is now prohibited by law and which is not included within the definition of 'marble machine' as set out herein.

Section 6. The Comptroller of the State of Texas shall make such rules and regulations as may be necessary to collect the taxes provided herein, to properly evidence the licensing of such machines, and to otherwise enforce the provisions of this Act, and from such sums as may be received from the collection of the taxes herein provided shall be entitled to retain the necessary and proper expenses incurred in the enforcement of this Act. He shall make such regulations as may be necessary to permit the exchanging of licenses from one machine to another in the event the holder of the license or the owner of such machine desires to make such exchange without requiring the payment of additional fee or tax. All other revenue collected in pursuance of this Act, after said expenses have been paid, shall be apportioned to the Old Age Assistance Fund, Teachers' Retirement Fund, Aid for Needy Blind and Available School Fund as follows:

One-fourth to the Old Age Assistance Fund;

One-fourth to the Teachers' Retirement Fund;

One-fourth to the Aid for Needy Blind;

One-fourth to the Available School Fund.

Section 7. Any owner or exhibitor of any marble machine which is operated, displayed or exhibited in the State of Texas upon which the tax herein provided has not been paid and a proper license obtained from the Comptroller of the State of Texas to operate, display or exhibit such machine, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five

(\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

Section 8. Any owner, as herein defined, who knowingly shall permit, allow or consent to the permitting or allowing of any person under the age of twenty-one (21) years to place a coin or token in any of such machines for the purpose of operating the same, or shall knowingly permit, allow or consent to the permitting or allowing of any such machines to be displayed or operated within three hundred (300) feet of a church or a public school building, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars and the permitting of the placing of any coin or any other type of token in such machine by any minor shall constitute a separate offense and shall be punished as such.

Section 9. It shall be unlawful for any exhibitor to knowingly permit, allow or consent to the allowing or permitting of more than three (3) marble machines in any one (1) establishment or place of business, and it shall be unlawful for any marble machines to be exhibited except on premises where goods, wares and merchandise are sold or exhibited for sale. Any owner or exhibitor who shall violate any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Twenty-five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars, and each days violation shall constitute a separate offense.

Section 10. Any person who shall place a slug, counterfeit coin or any other type of counterfeit token, in any of such machines or tables for the purpose of operating the same, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Section 11. This Act expressly authorizes the operation of machines or tables herein described, and the distribution of prizes to persons operating or playing upon such machines or tables, depending upon the skill or proficiency of the person so operating or playing said machines

or tables, and every law in conflict herewith is hereby repealed or amended insofar as the same conflict with this Act; it being expressly provided that such laws are repealed or amended only insofar as they conflict with the provisions of this Act and not otherwise.

Section 12. It is especially provided that the occupation tax levied against the owner, as herein defined, shall be in addition to the occupation tax of Thirty (\$30.00) Dollars per annum levied against each individual marble machine.

Section 13. Emergency Clause. The fact that the laws of Texas with reference to the collection of taxes on marble machines and tables is indefinite and uncertain, and that such marble machines and tables are being operated in many towns, cities, and counties in the State of Texas, without being molested, and the further fact that such taxes are being collected under doubtful authority, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended, and this Act shall become immediately effective upon its final passage."

HARTZOG,
BELL.

Mr. Petsch offered the following amendment to the committee amendment:

Amend House Bill No. 19, by adding at the end of Section 2, the following additional paragraph:

"Provided, however, it is not the intention of this Act to legalize the operation of any machine or device, the operation of which constitutes a violation of the gaming laws of the State of Texas."

PETSCH,
HARDEMAN.

The amendment by Mr. Petsch was adopted.

Mr. Morris moved to postpone further consideration of House Bill No. 19 until next April 30.

Mr. Hartzog moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

Alsup	Howington
Anderson	Hull
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Bell	Keith
Boethel	Kerr
Bond	Kinard
Boyer	Leyendecker
Bradford	Loggins
Bridgers	McAlister
Bundy	McDaniel
Burney	McFarland
Cauthorn	McMurry
Celaya	Mohrmann
Clark	Monkhouse
Cockrell	Montgomery
Corry	Nicholson
Davis of Jasper	Pope
Dean	Ragsdale
Dickson	Reader of Bexar
Donaghey	Riviere
Dwyer	Robinson
Faulkner	Schuenemann
Goodman	Tennant
Harper	Thornton
Harrell of Bastrop	Vale
Harris	Voigt
Hartzog	Winfree
Howard	Wood

Nays—68

Allen	Hunt
Allison	Kennedy
Bailey	Kern
Baker of Grayson	Kersey
Boyd	King
Bradbury	Langdon
Brown of Cherokee	Lehman
Brown	Lock
of Nacogdoches	London
Burkett	McDonald
Chambers	McNamara
Cleveland	Morris
Coleman	Newell
Cornett	Oliver
Crossley	Pace
Daniel	Petsch
Davis of Upshur	Pevehouse
Derden	Piner
Ferguson	Reader of Erath
Fuchs	Reaves
Galbreath	Rhodes
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Russell
Hardeman	Skiles
Harp	Smith of Hopkins
Harrell of Lamar	Spencer

Stinson
Stoll
Talbert
Tarwater
Taylor
Thornberry
Turner
Waggoner

Weldon
Wells
Westbrook
White
Wilson
Worley
Wright

Absent

Blankenship
Bray
Broadfoot
Colson, Mrs.
Dickison
Felty
Gilmer
Hankamer
Hardin
Heflin
Holland

Isaacks
Leonard
Little
Reed
Segrist
Shell
Smith of Frio
Smith
of Matagorda
Vint

Absent—Excused

Colquitt
Dowell

Fielden
Mays

Mr. Bray moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion to adjourn was lost.

Question recurring on the motion to postpone further consideration of House Bill No. 19 until next April 30, yeas and nays were demanded.

The motion to postpone was lost by the following vote:

Yeas—60

Allen
Allison
Bailey
Baker of Grayson
Boyd
Bradbury
Bray
Broadfoot
Brown of Cherokee
Brown
of Nacogdoches
Burkett
Chambers
Cleveland
Coleman
Cornett
Crossley
Davis of Upshur
Derden
Ferguson
Galbreath
Hale
Hamilton
Hardeman

Harp
Harrell of Lamar
Howington
Hunt
Kennedy
Kern
Kerr
Kersey
Langdon
Lehman
Lock
London
McDonald
McFarland
Morris
Newell
Pace
Petsch
Pevehouse
Piner
Reaves
Rhodes
Roach
Roberts

Russell
Skiles
Smith of Hopkins
Spencer
Stinson
Stoll
Thornberry

Turner
Waggoner
Weldon
Wells
White
Wood

Nays—73

Alsup
Anderson
Baker
of Fort Bend
Bell
Blankenship
Boethel
Bond
Boyer
Bradford
Bundy
Burney
Cauthorn
Celaya
Clark
Cockrell
Corry
Davis of Jasper
Dickison
Dickson
Donaghey
Dwyer
Faulkner
Felty
Fuchs
Goodman
Gordon, Mrs.
Hankamer
Hardin
Harper
Harrell of Bastrop
Harris
Hartzog
Howard
Hull
Johnson of Ellis
Johnson of Tarrant

Keith
Kinard
King
Leonard
Leyendecker
Little
Loggins
McAlister
McDaniel
McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Nicholson
Oliver
Pope
Reader of Bexar
Reader of Erath
Reed
Riviere
Robinson
Schuenemann
Shell
Smith of Frio
Talbert
Tarwater
Taylor
Tennant
Thornton
Vale
Vint
Voigt
Westbrook
Wilson
Winfree
Wright

Absent

Bridgers
Colson, Mrs.
Daniel
Dean
Gilmer
Heflin

Holland
Isaacks
Segrist
Smith
of Matagorda
Worley

Absent—Excused

Colquitt
Dowell
Fielden

Mays
Ragsdale

Mr. Vint offered the following amendment to the committee amendment:

Amend Amendment to House Bill No. 19, by striking out lines 11 to 16 inclusive, on page 2 of the printed bill, and inserting in lieu thereof, the following:

"10 to 25 machines \$250.00.
25 to 50 machines \$500.00.
50 to 100 machines \$1,000.00.
100 to 250 machines \$2,500.00.
250 to 500 machines \$5,000.00.
Over 500 machines \$10,000.00."

Mr. Hartzog moved to table the amendment by Mr. Vint.

The motion to table was lost.

Mr. Reader of Bexar moved the previous question on the pending amendments and the engrossment of House Bill No. 19, and the main question was ordered.

Question first recurring on the amendment by Mr. Vint, to the committee amendment, it was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 19 failed to pass to engrossment by the following vote:

Yeas—47

Anderson	Howard
Bell	Johnson of Tarrant
Boethel	Keith
Bradford	Kerr
Bridgers	Kinard
Bundy	Leonard
Burney	Leyendecker
Cauthorn	Loggins
Celaya	McDaniel
Cockrell	McMurry
Colquitt	Mohrmann
Corry	Monkhouse
Dickson	Montgomery
Donaghey	Nicholson
Dwyer	Reader of Bexar
Felty	Riviere
Galbreath	Schuenemann
Goodman	Taylor
Hankamer	Thornton
Hardin	Vale
Harper	Vint
Harrell of Bastrop	Voigt
Hartzog	Winfree
Holland	

Nays—85

Allen	Baker of Grayson
Allison	Bond
Alsup	Boyd
Bailey	Boyer

Bradbury	McAlister
Bray	McDonald
Broadfoot	McFarland
Brown of Cherokee	Morris
Brown of Nacogdoches	McNamara
Burkett	Newell
Chambers	Oliver
Clark	Pace
Cleveland	Petsch
Coleman	Pevehouse
Cornett	Piner
Crossley	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Rhodes
Derden	Roach
Faulkner	Roberts
Ferguson	Robinson
Fuchs	Russell
Gilmer	Segrist
Gordon, Mrs.	Shell
Hale	Skiles
Hamilton	Smith of Hopkins
Hardeman	Spencer
Harp	Stinson
Harrell of Lamar	Stoll
Harris	Talbert
Howington	Tarwater
Hull	Tennant
Hunt	Thornberry
Kennedy	Turner
Kern	Waggoner
Kersey	Weldon
King	Wells
Langdon	Westbrook
Lehman	White
Little	Wilson
Lock	Wood
London	Worley
	Wright

Absent

Baker of Fort Bend	Isaacks
Blankenship	Johnson of Ellis
Colson, Mrs.	Pope
Daniel	Reed
Dean	Smith of Frio
Dickison	Smith
Heflin	of Matagorda

Absent—Excused

Dowell	Mays
Fielden	Ragsdale

Mr. Thornberry moved to reconsider the vote by which House Bill No. 19 failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 909

Mr. Blankenship offered the following resolution:

H. C. R. No. 102, Authorizing certain correction in House Bill No. 909.

Whereas, House Bill No. 909 has passed the House and Senate; and

Whereas, The following words were inadvertently omitted in the first paragraph of Section 1, "as amended by Chapter 313, Acts of the Regular Session of the Forty-fifth Legislature, 1937;" now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be directed and authorized to insert these words and to strike out the words "of 1925," and to amend the caption to conform.

The resolution was read second time, and was adopted.

PROVIDING FOR THE CONSIDERATION OF CERTAIN BILLS

Mr. Thornton moved that the necessary Rules, providing for the regular order of business, be suspended, for the purpose of taking up, and considering, on tomorrow until disposed of, the following bills: Senate Bill No. 431, House Bills Nos. 256, 257, 933 and 926.

The motion prevailed by the following vote:

Yeas—99

Allen	Cornett
Allison	Corry
Alsup	Crossley
Anderson	Daniel
Baker	Dickison
of Fort Bend	Dwyer
Baker of Grayson	Faulkner
Blankenship	Fuchs
Bond	Galbreath
Boyd	Gordon, Mrs.
Boyer	Hankamer
Bradbury	Hardeman
Bradford	Hardin
Bray	Harp
Bridgers	Harper
Bundy	Harrell of Bastrop
Burkett	Harris
Burney	Hartzog
Cauthorn	Heflin
Celaya	Hull
Chambers	Hunt
Clark	Isaacks
Cleveland	Johnson of Tarrant
Cockrell	Kern
Coleman	Kinard
Colquitt	King
Colson, Mrs.	Langdon

Leonard
Leyendecker
Little
Lock
Loggins
London
McAlister
McDaniel
McDonald
McNamara
Monkhouse
Montgomery
Morris
Newell
Nicholson
Oliver
Petsch
Pope
Reed
Riviere
Roberts
Robinson
Russell
Schuenemann

Segrist
Shell
Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Tarwater
Taylor
Thornberry
Thornton
Vale
Vint
Voigt
Waggoner
Weldon
Wells
Wilson
Wood
Worley
Wright

Nays—40

Bailey	Kerr
Bell	Kersey
Boethel	Lehman
Broadfoot	McFarland
Brown of Cherokee	McMurry
Brown	Mohrmann
of Nacogdoches	Pace
Davis of Jasper	Pevehouse
Derden	Piner
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Felty	Rhodes
Ferguson	Roach
Gilmer	Smith of Frio
Hale	Talbert
Harrell of Lamar	Tennant
Holland	Turner
Howard	Westbrook
Howington	White
Keith	Winfree
Kennedy	

Present—Not Voting

Davis of Upshur

Absent

Dean	Johnson of Ellis
Goodman	Reaves
Hamilton	

Absent—Excused

Dowell	Mays
Fielden	Ragsdale

HOUSE BILL NO. 72 ON SECOND READING

On motion of Mr. Hull, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 72.

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the 'Motor Carrier Act of Texas' and adding the Sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas;' providing that said Motor Carrier Act shall not apply to a private carrier, as herein defined, except as specifically provided by this Act; defining a private carrier and stating the qualifications necessary to qualify as such; defining a fixed and established place of business; defining the term 'person;' defining the term 'Commission;' providing for certain exemptions from the terms of this Act, etc., and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 72 pass to engrossment?

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 613

The Speaker announced the appointment of the following Conference Committee on House Bill No. 613: Messrs. Segrist, Cauthorn, Hamilton, Kerr and Skiles.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 214, to the Committee on Counties.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been

read severally, the following enrolled bills and resolutions:

S. B. No. 328, "An Act to prohibit the sale of any fresh water fish caught or trapped from the fresh waters of certain counties, etc., and declaring an emergency."

S. B. No. 189, "An Act to amend Article 4225 of the Revised Civil Statutes of Texas, 1925, so as to provide for annual accounts and the matter to be shown therein and that guardians shall show in such annual accounts the source and nature of receipts and disbursements, showing principal and income separately, and include in their accounts by reference to former accounts or otherwise an accurate and detailed description of all property, etc., and declaring an emergency."

S. B. No. 287, "An Act amending Chapter 30 of the Local and Special Laws of the Thirty-fifth Legislature of Texas, Regular Session, as amended by Chapter 471 of the First Called Session of the Thirty-ninth Legislature to provide for the funding of certain outstanding road and bridge obligations of McCulloch County, etc., and declaring an emergency."

S. B. No. 338, "An Act to fix the maximum rate to be levied for school purposes in all independent school districts which include within their limits an incorporated city or town which according to the then latest Federal Census had a population of not fewer than four thousand, four hundred fifty (4,450) and not more than four thousand, four hundred eighty-five (4,485), and declaring an emergency."

S. B. No. 355, "An Act providing for additional traveling expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than 15,725, nor more than 15,775, and declaring an emergency."

S. B. No. 407, "An Act to confirm and validate all resales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, according to the last preceding Federal Census, to the spouse of the forfeiting owner, where such public school lands were forfeited prior to January 1, 1938, and came under the terms of either Acts, 1925, and declaring an emergency."

S. B. No. 247, "An Act providing that in any Water Control and Improvement District, now existing or

created, having within its boundaries more than 100,000 acres of land, etc., directors may either be elected at elections held in such district at large as provided by Section 37, Chapter 25 of Acts of Thirty-ninth Legislature, Regular Session, etc., and declaring an emergency."

S. B. No. 429, "An Act to amend House Bill No. 473, Section 1, Acts of the Forty-sixth Legislature, Regular Session, so as to fix the term of office of the County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; providing that the salary of said County Purchasing Agent shall be fixed by the board composed of the Judges of the District Courts and the County Judge; and declaring an emergency."

S. B. No. 419, "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes, including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent, and declaring an emergency."

S. B. No. 209, "An Act amending Chapter 49 of the General and Special Laws of the Third Called Session of the Forty-third Legislature being House Bill No. 65, page 100 of the General and Special Laws of the Third Called Session of the Forty-third Legislature, making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

S. B. No. 160, "An Act to amend Section 3 of Chapter 5, Acts, 1934, Forty-third Legislature, Second Called Session; as amended by Chapter 439, Acts, 1935, Forty-fourth Legislature, Second Called Session, by providing that the Boards of Directors may refinance bonds already issued, and declaring an emergency."

S. B. No. 346, "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth

Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a Section to be known as Section 14b authorizing the sale, lease or other disposition to any electric cooperative, municipality, or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales, and declaring an emergency."

S. B. No. 329, "An Act to amend Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature of the State of Texas, being the Act creating the Nueces River Conservation and Reclamation District, so as to provide that the whole of Webb County shall be removed from and excluded from the provisions thereof; etc., and declaring an emergency."

S. B. No. 308, "An Act fixing the maximum fees of county officials in certain counties, and declaring an emergency."

S. B. No. 267, "An Act validating proceeding heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds, etc., to construct waterworks and sewer systems, etc., and declaring an emergency."

S. B. No. 48, "An Act validating all elections heretofore held under the provisions of Chapter 339, Acts of the Regular Session of the Forty-fourth Legislature of Texas; in common school districts located in any county having a population of not less than eight thousand, two hundred fifty, (8,250) and not more than eight thousand, five hundred (8,500), according to the last preceding Federal Census transferring lands from one school district to another and/or assuming any bonded indebtedness of such districts; etc., and declaring an emergency."

H. B. No. 634, "An Act providing for a Rural School Music Supervisor

in certain counties, prescribing the duties of said Supervisor, prescribing the method of employing the Supervisor and the matter of fixing and paying salary, and declaring an emergency."

H. B. No. 853, "An Act providing for salary to be paid County Superintendent of Schools in certain counties, and declaring an emergency."

H. C. R. No. 96, Returning House Bill No. 426 to the Senate.

H. C. R. No. 100, Authorizing certain correction in House Bill No. 517.

H. C. R. No. 101, Commending the President of the United States.

HOUSE BILLS ON FIRST READING

Mr. Isaacks asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 989.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Isaacks, Mr. Bridgers and Mr. Hankamer:

H. B. No. 989, A bill to be entitled "An Act to amend Article 1923 of the Revised Civil Statutes of Texas of 1925, concerning the extension of terms of District Courts, so as to provide for the extension of the term of any trial court of record, and providing the procedure for extension and adjournment, and declaring an emergency."

Referred to the Committee on Judicial Districts.

Mr. King asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 990.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. King:

H. B. No. 990, A bill to be entitled "An Act amending Article 7117, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, First Called Session, Chapter 50, page 109, Section 1, defining transfers in contemplation of death and providing for a

tax on same; amending Article 7118, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1935, Forty-fourth Legislature, Chapter 356, page 922, paragraph 1; amending Article 7119, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Section 1; amending Article 7120, Revised Civil Statutes of the State of Texas, 1925; amending Article 7121, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Acts, 1931, Forty-second Legislature, Chapter 72, page 109, Acts, 1933, Forty-third Legislature, Chapter 192, page 581, Section 2-b, Subsection 20, providing in each case for an increase in taxes by lowering the brackets and increasing the rates of taxation to each class; amending Article 7125, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, Chapter 26, page 60, Section 1, so as to more clearly define deductions permissible for inheritance tax purposes; amending Article 7130, Revised Civil Statutes of the State of Texas, 1925, so as to provide for notice of appraisement to the Comptroller and providing for judicial review of the report of appraisement; amending Article 7131, Revised Civil Statutes of the State of Texas, 1925, so as to provide for suspension of assessment of inheritance taxes pending a judicial review thereof; amending Section 9, Chapter 192, page 588, Acts of 1933, Forty-third Legislature, Regular Session and providing for certification of probate papers to the Comptroller, assessing the costs to the estate; providing for the giving of such information to the Comptroller and fixing a penalty for violation; amending Article 7135, Revised Civil Statutes of the State of Texas, 1925, and providing for the approval by the Comptroller of a County Judge's finding that no inheritance tax is due; declaring that the provisions of this Act shall be severable; saving to the State any claim for inheritance tax existing under the laws in effect prior to the enactment of this Act; and providing for the collection of such taxes; repealing all laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Judiciary.

SENATE AMENDMENTS TO
HOUSE BILL NO. 95

On motion of Mr. Keith, the following Senate amendments to House Bill No. 95 were ordered printed in the Journal:

Committee Substitute

Amend House Bill No. 95, by striking out all below the enacting clause, and substituting therefor, the following:

"Section 1. That Article 5025 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5025. Attorney for Subscribers.—Such contracts may be executed by a duly appointed attorney-in-fact duly authorized and acting for such subscribers. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Any person, firm or corporation may act as such attorney-in-fact, provided such attorney-in-fact shall make a good and sufficient fidelity bond acceptable to the Board of Insurance Commissioners of Texas and payable to subscribers at the exchange, or, in lieu thereof, payable to the said Board of Insurance Commissioners, such bond to be in the sum of Twenty-five Thousand (\$25,000.00) Dollars in the case of an individual or firm, and Fifty Thousand (\$50,000.00) Dollars in the case of a corporation, conditioned that such attorney-in-fact shall promptly pay any sum up to the penal sum of said bond for which such attorney-in-fact may become liable by reason of any act of misconduct, default, defalcation or failure to legally account for all moneys and securities coming into the custody of such attorney-in-fact, and belonging to the principals of such attorney-in-fact and in the event of any violation of the conditions of said bond, the insurance supervisory authority of any State in which the attorney-in-fact is authorized to transact the business of the exchange may bring suit to enforce the penalty of the bond on behalf of the subscribers; provided, that a deposit with the proper lawful authority of the home State of such exchange of cash or securities of the kind in which general casualty companies may invest

their funds in like amount, conditioned, approved and payable in like manner, may be used in lieu of such bond."

Section 2. That Article 5026 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5026. Declaration of Subscribers.—Such subscribers, so contracting among themselves, shall, through their attorney-in-fact, file with the Board of Insurance Commissioners a declaration verified by the oath of such attorney-in-fact setting forth:

1. The name or the title of the office at which subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of said Board of Insurance Commissioners is calculated to confuse or deceive. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchanges. Such exchanges shall be classified as unincorporated associations, and, for the purpose of service of process, the attorney-in-fact is hereby classified as the general agent of such exchange.

2. The kind or kinds of insurance to be effected or exchanged, provided that same shall not include life insurance.

3. A copy of the form of policy, contract or agreement under or by which such insurance is to be effected or exchanged.

4. A copy of the form of power of attorney or other authority of such attorney-in-fact under which such insurance is to be effected or exchanged, which form shall be subject to approval by the Board of Insurance Commissioners of Texas; provided, however, that, except as to matters concerning which specific provision is made in this Chapter, nothing herein contained shall be so construed as to permit the said Board to require the filing or use of uniform forms of such instruments. Such power of attorney or other authority executed by the subscribers at any such exchange shall provide that such subscribers

shall be liable, in addition to the premium or premium deposit specified in the policy contract, to a contingent liability equal in amount to one additional annual premium or premium deposit. Subscribers to such a reciprocal exchange may limit their said contingent liability to an amount equal to one additional annual premium or premium deposit, if the subscribers' agreement, power of attorney or other authority so provides. Such subscribers at such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal in amount to the capital stock required of a stock insurance company organized under the laws of Texas transacting the same classes of insurance; provided, however, that any domestic reciprocal organized prior to the effective date of this Act which has been and is exchanging contracts without contingent liability and which does not have the minimum surplus required by this Section to exchange such contracts, may continue to exchange contracts without contingent liability until December 31, 1943, provided that

(a) On December 31, 1939, December 31, 1940, December 31, 1941, and December 31, 1942, it shall have increased its surplus by respective amounts of twenty-five (25%) per centum of the difference between the surplus existing on December 31, 1938, and the surplus herein required of a reciprocal before it is permitted to exchange contracts without contingent liability; and

(b) At no time during each calendar year of the period above referred to shall the surplus be less than thirty (30%) per centum of the premiums written during each such year; and

(c) All other provisions of this Act shall be complied with; and

(d) It shall have on deposit with the Board a minimum of Fifty Thousand (\$50,000.00) Dollars in securities; and

(e) If such reciprocal fails to increase its surplus in accordance with this subsection, such reciprocal shall be subject to the stock company minimum surplus as above-mentioned, or

discontinue exchanging policies without contingent liability.

5. The location of the office or offices from which such contracts or agreements are to be issued.

Provided, further, that, as to all classes of insurance permitted to be written under the provisions of this Chapter, such verified declaration shall disclose the following:

a. In case of workmen's compensation insurance, that application have been made for indemnity by at least fifty (50) separate subscribers who have not less than two thousand (2,000) employees, as represented by executed contracts or bona fide applications to become concurrently effective.

b. As to all other classes of insurance permitted to be written under the provisions of this Chapter, that applications for indemnity have been made by at least seventy-five (75) separate subscribers for each class of risk to be exchanged, aggregating not less than Five Hundred Thousand (\$500,000.00) Dollars as to each class of risk, as represented by executed contracts or bona fide applications to become concurrently effective.

Section 3. That Article 5027 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Article 5027. Service of process. Concurrently with the filing of such declaration, the attorney shall file with the Board of Insurance Commissioners an instrument in writing executed by him for said subscribers conditioned that upon the issuance of certificates of authority as hereinafter provided, service of process may be had upon the Chairman of such Board in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. Three (3) copies of such process shall be served and said Chairman of such Board shall file one copy, forward one copy to said attorney, and return one copy with his admission of service. It is provided, however, that in lieu of the method hereinabove provided, service of process may be had upon such attorney in fact in all suits, which service shall likewise be valid and binding upon

all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. If said attorney in fact be a corporation, either foreign or domestic, or joint stock company, or association, service of process thereon may be had in any manner provided by general law for service of process on corporations, joint stock companies, or associations."

Section 4. That Article 5029 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended so as to read hereafter as follows:

"Art. 5029. Financial Requirements.

—There shall be maintained at all times such reserves as are required, or which, by the laws of this State or by the lawful rules and regulations of the Board of Insurance Commissioners, hereafter may be required, to be maintained by stock insurance companies transacting the same kind or kinds of insurance business.

"There shall be maintained at all times assets in a sum sufficient to discharge all liabilities, including reserves, and to provide a surplus over all liabilities, including reserves, of not less than Fifty Thousand (\$50,000.00) Dollars, and if at any time such surplus shall not equal that amount the attorney may make up such deficiency in the manner provided by Article 5029a of this Chapter.

"The required assets of such exchanges shall be maintained in cash or securities of the kind in which general casualty companies are authorized by law to invest or lend their funds. Any exchange whose attorney-in-fact now has a certificate of authority to transact business in this State shall have until December 31, 1941, to fulfill the foregoing financial requirements specified in this Article; provided, however, that, upon good cause shown, the Board of Insurance Commissioners may, in the exercise of reasonable discretion, extend such period of time for not to exceed three (3) years thereafter; provided further, however, that any exchange requiring such additional time to fulfill such financial requirements shall not have, at any time after the passage of this Act, a surplus less than its said surplus as the same existed on January 1st, 1939.

If fidelity and surety bond insurance is exchanged in this State by

any reciprocal exchange, there shall be kept on deposit with the State Treasurer of Texas, money, bonds, or other securities, in an amount not less than Fifty Thousand (\$50,000.00) Dollars. Such securities shall be approved by the Board of Insurance Commissioners, and this amount shall be kept intact at all times. Any foreign exchange writing fidelity and surety bonds in this State shall also file with the Board of Insurance Commissioners evidence, satisfactory to the Board of Insurance Commissioners, that it has on deposit with the State Treasurer or other proper officials of its home State or in escrow under his supervision and control in some reliable bank or trust company One Hundred Thousand (\$100,000.00) Dollars or more, in money, bonds or other securities for the protection of its policy holders; provided, further, that if said bonds and securities herein referred to are not acceptable to and approved by the Board of Insurance Commissioners of Texas, said Board shall have the right and authority to deny the attorney-in-fact a certificate of authority.

Section 5. That Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby, amended by adding thereto a new Article to be numbered 5029a and reading as follows:

"Art. 5029a. May Advance Money.

—Any attorney-in-fact of such exchange may advance to such exchange any sum or sums of money necessary for the purpose of its business or to enable it to comply with any requirement of law, and such moneys and interest thereon as may have been agreed upon, not exceeding ten (10%) per cent per annum, shall be payable, subject to the approval of the Board of Insurance Commissioners (which approval shall not be arbitrarily refused), only out of the surplus remaining, after providing for all reserves, other liabilities and required surplus, and shall not otherwise be a liability or claim against the exchange or any of its assets. No commission or promotion expenses, or other bonus, shall be paid in connection with the advance of any such money to the exchange, and the amount of all such advances shall be reported in each annual statement."

Section 6. That Article 5031 of Chapter 20, Title 78, of the Revised

Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5031. Any Corporation May Exchange.—Any corporation, public, private or municipal, now or hereafter organized under the laws of this State, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purpose for which such corporations are organized and as much granted as the rights and powers expressly conferred."

Sec. 7. That Article 5032 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5032. Certificate of Authority.—Such attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to herein shall procure from the Board of Insurance Commissioners annually a certificate of authority stating that all of the requirements have been complied with, and upon such compliance and the payment of the fees required by law, the Board of Insurance Commissioners shall issue such certificate of authority. Such Board of Insurance Commissioners may revoke or suspend any certificate of authority issued hereunder in case of breach of any condition imposed by this law, after reasonable written notice has been given said attorney so that he may appear and show cause why action should not be taken; provided, that said attorney by whom and through whom are issued any policies of or contracts for indemnity of the character herein referred to shall have the right of appeal to any District Court of Travis County, Texas, and shall have twenty (20) days from the date of any adverse ruling to effect such appeal; and the further right of appeal by any such attorney from the ruling or decision of any such District Court is hereby expressly granted. Any attorney who may have procured a certificate of authority hereunder shall renew same annually hereafter. Any certificate of authority shall continue in effect until the new certificate of authority

be issued or specifically refused. The schedule of fees set out in Article 3920, so far as pertinent, shall apply to reciprocal exchanges and their attorney-in-fact. Said exchanges shall pay a tax of three and one-fourth per cent on all premiums collected, except fire and workmen's compensation premiums, under the provisions of Article 7064, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts 1937, Forty-fifth Legislature, House Bill No. 441, Section 1, as amended Acts 1939, Forty-sixth Legislature, House Bill No. 556, subject to reduction by investment in Texas securities as therein provided; and exchanges writing workmen's compensation insurance shall pay a tax on one-half of one per cent of the workmen's compensation premiums collected under the provisions of Article 7064a, Revised Civil Statutes of Texas, 1925, as enacted by House Bill No. 8, Chapter 495, page 2040, Article 4, Acts of the Third Called Session, Forty-fourth Legislature, 1936, as amended Acts 1937, Forty-fifth Legislature, by House Bill No. 441, Section 1-b, as amended Acts 1939, Forty-sixth Legislature, House Bill No. 557; and a further tax on three-fifths of one per cent or such lesser amount as the Board of Insurance Commissioners may assess, on workmen's compensation premiums collected in this State under the provisions of Chapter 25, Section 1, Acts of 1937, Forty-fifth Legislature.

Provided further, that an additional tax of one-fifth of one per cent or such lesser amount as the Board of Insurance Commissioners may assess shall be paid by such exchanges on gross premiums collected for motor vehicle insurance under the provisions of Chapter 253, Acts of the Fortieth Legislature, as amended Acts of 1937, Forty-fifth Legislature by Senate Bill No. 77."

Sec. 8. That Article 5033 of Chapter 20, Title 7, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5033. When Insurance Law Applies.—Except as provided in this Chapter, no insurance law of this State shall apply to the exchange of such indemnity contracts unless re-

ciprocal or inter-insurance exchanges are specifically mentioned in such other laws."

Sec. 9. That an Article to be designated Article 5033a shall be added to Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and that said additional Article designated Article 5033a, shall read as follows:

"Art. 5033a. If any word, phrase, clause, sentence, paragraph or Section, or part thereof, of this Chapter shall be held invalid, unconstitutional or inoperative, such holding shall not affect the validity of the remainder of this Chapter, and the Legislature declares hereby that it would have enacted the remainder of said Chapter, despite any such invalidity. If any exception to or limitation upon any general provision contained herein shall be held to be invalid, unconstitutional or inoperative, the general provision, nevertheless, shall stand effective and valid as if the same had been enacted without such limitation or exception."

Sec. 10. The fact that the present laws covering the subject material of this Act are inadequate creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read in each House on three several days, and the Constitutional Rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend the substitute for House Bill No. 95, by striking out all of Section 1, and substituting therefor, the following:

Sec. 1. That Article 5025 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to read hereafter as follows:

"Art. 5025. Attorney for Subscribers.—Such contracts may be executed by a duly appointed attorney-in-fact duly authorized and acting for such subscribers. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Any person, firm or corporation may act as such attorney-in-fact, pro-

vided such attorney-in-fact shall make a good and sufficient fidelity bond acceptable to the Board of Insurance Commissioners of Texas and payable to subscribers at the exchange, or, in lieu thereof, payable to the said Board of Insurance Commissioners, such bond to be in the sum of \$25,000.00 in the case of an individual or firm, and \$50,000.00 in the case of a corporation, which said bond shall obligate the principal and surety to pay such pecuniary loss, not exceeding the penalty of the bond, as the Exchange shall sustain of money or property by an act or acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or wilful misapplication on the part of the said Attorney-in-fact directly or through connivance with others, and in the event of any violation of the conditions of said bond, the insurance supervisory authority of any State in which the Attorney-in-Fact is authorized to transact the business of the exchange may bring suit to enforce the penalty of the bond on behalf of the subscribers; provided, that a deposit with the proper lawful authority of the home State of such exchange of cash or securities of the kind in which general casualty companies may invest their funds, in like amount, conditioned, approved and payable in like manner, may be used in lieu of such bond."

STONE of Galveston.

Amend committee substitute to House Bill No. 95, page 2, lines 16 to 18, both inclusive, by striking out the words: "Such exchanges shall be classified as unincorporated associations, and, for the purpose of service of process the attorney-in-fact is hereby classified as the general agent of such exchanges."

SMALL.

Amend committee substitute for House Bill No. 95, page 2, beginning with the words "such subscribers" in line 37, and concluding with the words "classes of insurance" in line 43, by striking out the following words: "Such subscribers at such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal in amount to the capital stock required of a stock insurance company organized under the

laws of the State of Texas transacting the same classes of insurance", and substituting therefor the words:

"Such subscribers at such exchange may provide by agreement that the premium or premium deposit specified in the policy contract on all forms of insurance except life shall constitute their entire liability through the exchange while, but only while, the free surplus of the reciprocal exchange is equal to Two Hundred Thousand (\$200,000.00) Dollars.

"Provided that if such exchange does not or is not applying to exchange workmen's compensation, employers' liability, or contracts providing indemnity against legal liability to third persons, except automobile, public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various States, such exchange may provide by agreement that the premium or premium deposit specified in the policy contract shall constitute the subscriber's entire liability through the exchange while, but only while, it maintains a free surplus of not less than Fifty Thousand (\$50,000.00) Dollars if only one kind of insurance is exchanged, with an additional Ten Thousand (\$10,000.00) Dollars of free surplus for each additional kind of insurance exchanged (including automobile public liability and property damage which is not subject to the regulations of the Interstate Commerce Commission, the Railroad Commission of Texas, or other similar bodies in the various States), but not more than One Hundred Thousand (\$100,000.00) Dollars surplus shall be required . . ."

SMALL.

Amend committee substitute to House Bill No. 95, Section 2, Article 5026, Subsection 4, lines 59 and 60, being Subsection (d), by striking out the following words and figures:

"(d) It shall have on deposit with the Board a minimum of Fifty Thousand (\$50,000.00) Dollars in securities; and".

SMALL.

Amend Section 4, Article 5029, page 4, line 3, by striking out the word "also" at the beginning of said line 8.

SMALL.

Amend caption to conform to all amendments.

Adopted April 12, 1939.

BOB BARKER,
Secretary of the Senate.

ADJOURNMENT

Mr. Bray moved that the House recess until 7:30 o'clock p. m., today.

Mr. Loggins moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Davis of Upshur moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Davis of Upshur prevailed, and the House, accordingly, at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 255; Senate Bills Nos. 430 and 431.

Revenue and Taxation: House Bills Nos. 385 and 545; Senate Bill No. 24.

Insurance: Senate Bill No. 352.

Counties: Senate Bill No. 367.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 115, A bill to be entitled "An Act declaring it unlawful for any prisoner charged or convicted of felony and confined in any jail or prison or public training school, reformatory, county hospital, industrial farm or road camp or engaged in any county road or other county work or in the lawful custody of any officer or person to escape or attempt to escape; declaring such unlawful conduct to be a felony and providing the punishment for conviction thereof, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 124, A bill to be entitled, "An Act amending subdivision 23, Article 1995, Chapter 1, Title 42, 1925 Revised Civil Statutes of the general venue statute, which subdivision heretofore has made exception to the general rule of venue so as to make it possible under given conditions to institute suits in counties other than the domicile of corporations and associations, but is here amended so as to include in the exception to the general rule copartnerships, of whatever nature, but without otherwise altering subdivision 23 of the said Article 1995, repealing all laws in conflict herewith, whether specially mentioned or not, fixing the venue against corporations, associations and copartnerships, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 326, A bill to be entitled "An Act ratifying, confirming, and validating acts and orders, of County School Trustees, Boards of County School Trustees, County Boards of Trustees, County Boards of School Trustees, Commissioners' Courts, Boards of Trustees of Common, Independent and County Line School Districts, and all elections and attempted elections of Common Independent, and County Line School Districts, relating to the laying out, establishment, combining, abolishing, changing of boundaries, detaching territory from, or annexing territory to, any such school district, except where contests of same may be pending at the time this Act becomes effective, and except where contests of same may be brought within (6) months after this Act becomes effective, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions, of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the wilful neglect or failure on the part of any superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 443, A bill to be entitled "An Act making it unlawful to reproduce or forge any archeological object, representing same to be original, selling or exchanging the same, or knowingly have possession of same, providing for a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 531, A bill to be entitled "An Act providing for the use of trot lines in Lake Waco in McLennan County; prescribing when such line may be used, and the kind of trot line that may be used; providing a penalty for violation of this Act; repealing conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 466, A bill to be entitled "An Act exempting from all State and county ad valorem and occupation taxes certain office buildings of Parents and Teachers Associations, providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 563, A bill to be entitled "An Act to prohibit the sale of Cattle infected, or known to be infected, with Bang's disease, for milk pur-

poses, by any person; prescribing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 581, A bill to be entitled "An Act to amend Article 776 of the Penal Code and Article 776a of said Penal Code, the same being Section 4, Chapter 43, passed at the Regular Session of the Forty-second Legislature, in 1931, and further defining and limiting offenses to which the suspended sentence applies, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 604, A bill to be entitled "An Act to amend Chapter 33 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, as amended, so as to make certain provisions with respect to the authorization and issuance of revenue bonds and notes by cities having more than one hundred and sixty thousand (160,000) inhabitants, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 610, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-fourth Legislature and the Second Called Session of the Forty-fourth Legislature, repealing all laws and parts of laws in conflict

therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 690, A bill to be entitled "An Act to amend Article 1037 of Chapter 5, Title 14, of the Revised Criminal Statutes of 1925, as amended by Acts of 1929, Forty-first Legislature, page 676, Chapter 303, making the violation of such Article a felony, prescribing punishment therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 698, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after the passage of this Act; providing for the protection of pastures, crops and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 715, A bill to be entitled "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, in so far as the same relates to the 76th Judicial District composed of Titus, Franklin, Camp, Morris and Marion Counties; providing certain changes in the terms of said Coun-

ties; providing that any court in session at the time this Act becomes effective shall close its terms in conformity herewith; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 791, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in the Counties of Harrison and Gregg; providing certain exceptions; providing the length of this Act; prescribing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 864, A bill to be entitled "An Act amending Article 3991 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court or County Court in forcible entry and detainer proceedings, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 865, A bill to be entitled "An Act amending Article 3985 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court in forcible entry and detainer proceedings, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 869, A bill to be entitled
"An Act prohibiting the liberation of
wild fox in Parker County; providing
a suitable penalty for any violation
of this Act; repealing all laws in con-
flict with this Act, and declaring an
emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 884, A bill to be entitled
"An Act declaring the Collared Pec-
cary or Javelina a game animal; pro-
viding an open season for taking
same and the number that may be
taken or possessed; prohibiting the
sale of any Peccary or part of such
animal; providing a suitable penalty,
and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 893, A bill to be entitled
"An Act authorizing the Commission-
ers' Court of counties having a popu-
lation of not less than two hundred
and ninety thousand (290,000) in-
habitants and not more than three
hundred and twenty thousand (320,-
000), according to the last preced-
ing Federal Census, to appoint a
County Building Inspector and assist-
ants, providing for the payment of
salary to such appointees, providing
for the issuance of building permits
by such Inspector, and authorizing a
charge therefor, exempting Federal,
State, county, city governments and
other political sub-divisions thereof
from the provisions of this Act, pre-
scribing penalties for failure to se-
cure permits, and declaring an emer-
gency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 903, A bill to be entitled
"An Act to better safeguard the
health of the people of the State of
Texas by making it unlawful to serve
food in improperly cleaned or unster-
ilized dishes or utensils; providing
rules for cleaning and sterilizing
dishes or utensils; prohibiting the
use of cracked or broken dishes and
utensils, and unlaundered napkins
and unprotected napkins, straws, and
other articles commonly used in eat-
ing and drinking; prohibiting the use
of unsterilized or broken utensils in
factories; providing penalties; re-
pealing Article 700-a, Title 12, Chap-
ter 1, Revised Criminal Statutes of
Texas; making certain exemptions;
saving to the State the right to prose-
cute for violation prior to the re-
peal of these Articles; providing that
if any particular Section or part of
this Act is held unconstitutional or
inoperative, such defect shall not af-
fect any other Section or part of this
Act, and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 906, A bill to be entitled
"An Act authorizing the Commis-
sioners' Court of any county having
a population of not less than thirty-
seven thousand, five hundred (37,-
500) and not more than thirty-eight
thousand, six hundred (38,600) in-
habitants, according to the last pre-
ceding Federal Census, to allow each
County Commissioner the sum of
Thirty-five Dollars (\$35.00) per
month for traveling expenses; etc.,
and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 907, A bill to be entitled
"An Act creating road law in Blanco

County, Texas, providing work on public roads by those liable to such work; providing tax in lieu of such work; providing penalty for failure to pay such tax; providing time of paying such tax and penalty; making failure to work, pay the tax and/or the penalty, a misdemeanor; affixing penalties therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 910, A bill to be entitled "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten (27,410), according to the last Federal Census, or any subsequent Federal Census; and where such school districts have a scholastic population, according to the 1938-1939 scholastic enumeration as shown in the Census Division of the Department of Education, of not less than one hundred (100), nor more than one hundred and thirty (130) pupils within the scholastic age; making said law cumulative of all laws now in force in this State, not in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 919, A bill to be entitled "An Act permitting the taking of fish in public waters and streams in Erath and Hood Counties with certain exceptions; permitting the taking of minnows in certain cases; affixing penalties for violation thereof; repealing all laws and parts of

laws in conflict herewith, and especially repealing House Bill No. 351, passed at the Regular Session of the Forty-sixth Legislature, 1939, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 922, A bill to be entitled "An Act authorizing any county having title to a plot of ground used for public purposes, the area of which is in excess of the needs of the county for its public purposes, to sell such excess or any part thereof at private sale for any consideration deemed valuable in law and approved by its Commissioners' Court to the United States of America under the provisions of its statutes authorizing the acquisition of site for public buildings; vesting in the Commissioners' Court the power to make such sales and prescribing its procedure in regard thereto and how and by whom conveyance is to be made in carrying out any such sale; validating and legalizing all proceedings and orders heretofore had and made by the Commissioners' Court of any county undertaking to make any such sale to the United States of America as well as any deed executed and delivered or hereafter executed and delivered, carrying out any such sale, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 928, A bill to be entitled "An Act amending Article 4705, Article 4706, and Article 4993 and repealing Article 5006 of the Revised Civil Statutes of Texas of 1925, designating the funds and securities of which the capital stock of insurance companies incorporated under the provisions of Title 78, Chapter 2 of the Revised Civil Statutes of Texas, shall consist, designating the securities in

which funds of such companies may be invested, providing certain limitations on the amount of capital stock of general casualty companies and requiring deposits to be made by such companies, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 700, A bill to be entitled "An Act providing that no newspaper, magazine, or other publication, published daily, bi-weekly, weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers meeting certain qualifications herein set out; providing a penalty for the breach of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 929, A bill to be entitled "An Act to prohibit cities, towns and villages from dedicating or establishing thoroughfares or public streets and/or alleys through certain parks commonly known as amusement parks and to prevent general vehicular traffic through same and permitting cities, towns and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 931, A bill to be entitled "An Act to increase the criminal jurisdiction of the 76th Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of said County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 939, A bill to be entitled "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments affecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 940, A bill to be entitled "An Act authorizing County Commissioners' Courts in all counties having a population of not less than seventeen thousand (17,000) and not more than seventeen thousand, two hundred (17,200), according to the last Federal Census, or any subsequent Federal Census, to levy an annual ad valorem tax not exceeding ten cents (10c) on the One Hundred Dollar (\$100.00) valuation of all property in such counties; said tax to be credited to the Public Improvement Fund of such

counties, and to be in addition to the tax now levied for such fund; providing mode and manner of disbursing said fund; making said law cumulative of all laws now in effect in such counties with reference to levying taxes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 941, A bill to be entitled "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10A, 10B, 10C, 10D, 10E, and 10F, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investigations and in acquiring the necessary lands, leases, easements and/or acquittances, public structures and reservoirs suitable for the control of flood waters for the San Jacinto Watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; providing that the District shall not mortgage or otherwise encumber any of its property other than its revenues; providing how the District may acquire land, leases, easements, properties and power and right of eminent domain; granting additional powers under said Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 943, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 6, 12, 21, 22, and to repeal Sections 5, 7, 14 and 18, of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being House Bill No. 99

of the Acts of the Forty-fifth Legislature as amended by Senate Bill No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 945, A bill to be entitled "An Act providing that in certain counties that whoever shall enter upon the inclosed or uninclosed land of another without the consent of the owner, proprietor or agent in charge thereof, and hunt with firearms or catch any game thereon, or thereon catch or attempt to catch or take any fish from any pond, lake, tank or stream on said land, or in any manner depredate upon the same, or take or attempt to take any property from the inclosed or uninclosed land of another shall be guilty of a misdemeanor; defining what constitutes 'inclosed land', and specifying that proof of ownership or lease or agency may be made by parol testimony; providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 948, A bill to be entitled "An Act providing for County Auditor in all counties having a population of not less than fourteen thousand, eight hundred and fifty (14,850), and not more than fourteen thousand, nine hundred and twenty (14,920), according to the last preceding Federal Census, or any subsequent Federal Census; prescribing duties of said Auditor; providing salary for such Auditor; prescribing mode and manner of payment of such salary, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 953, A bill to be entitled "An Act amending Article 2326a of the 1925 Revised Civil Statutes of Texas (which said Article 2626a was passed by Acts, 1929, Forty-first Legislature, page 112, C. H. 56), by adding thereto a provision for expenses for court reporters in certain Judicial Districts, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 954, A bill to be entitled "An Act relating to marks and brands of live stock in Chambers County, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said County; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Chambers County shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said County; and further providing that County Clerk shall publish this Act in some newspaper in general circulation in said County for a period of thirty (30) days, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 955, A bill to be entitled "An Act establishing, authorizing and providing for Junior Colleges in connection with the Independent School Districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such Independent School Districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040), and not more than six thousand and seventy (6,070), according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishing by the Board of Trustees of such Independent School Districts as hereinabove defined, a Junior College. Providing the Board of Trustees of the Independent School Districts embraced within this Act shall comprise a Board of Trustees for the Junior Colleges; providing the Junior Colleges authorized herein shall be operated exclusively by tuition, and shall never become a charge against the State, or require appropriations therefrom; providing number of Departments for such Junior Colleges; providing qualifications of teachers in such Junior Colleges; providing minimum number of students in such colleges; providing minimum taxable values for such Districts; providing for enlargement of such Districts; providing for approval by the State Board of Education with the advice of the State Superintendent; providing for mode and manner of collecting taxes for such Districts; making said law cumulative of all laws and parts of laws now in force in this State with reference to the creation of Junior Colleges, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 956, A bill to be entitled "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 957, A bill to be entitled "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 959, A bill to be entitled "An Act validating the organization of water control and improvement districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than two hundred and fifty thousand (250,000) and not more than three hundred and ten thousand (310,000), according to the last preceding Federal Census; and validating all Acts of the officials in creating such districts; and validating

all bonds issued by such districts; validating all acts of the officials of said district, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 965, A bill to be entitled "An Act declaring a certain area adjacent to the town of Rockport, Aransas County, Texas, a Wildlife Sanctuary; providing a suitable penalty for hunting thereon; repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 492, A bill to be entitled "An Act authorizing municipalities, political subdivisions, and taxing districts to effect a plan for the composition of their indebtedness under the provisions of the Federal Bankruptcy Laws enacted by the Congress of the United States, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 968, A bill to be entitled "An Act providing for more adequate and equitable salaries for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, especially in all those counties having not less than twenty thousand, seven hundred and ninety (20,790) and not more than twenty thousand, eight hundred and twenty-five (20,825), according to the last preceding Federal Census; modifying

all laws or parts of laws in conflict herewith; making the Act cumulative of the general law, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 978, A bill to be entitled "An Act amending House Bill No. 11, Acts of the Regular Session, Forty-sixth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 101, Commending the President of the United States for his efforts to maintain World Peace.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 100, Authorizing the Enrolling Clerk of the House to amend the caption of House Bill No. 517 to conform to the body of the bill.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 912, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of

the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; by amending Sections 4(a), 11, 15(b), 15(c), 17, 19, 21, 29, 30, 32, 33, 35, 37, 38, 39 and 41 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and House Bill No. 432, Acts of the Revised Statutes of the Forty-fifth Legislature, House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, and Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; amending Subsection (d) of Section 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; repealing Sections 42 and 44 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending subdivision 6 of Section 12, Article I, Chapter 467, of the Second Called Session of the Forty-fourth Legislature, as amended by Section 12 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending said Act by adding to Article I thereof, Sections 43 and 44, regulating the issuance of licenses and permits defining certain terms; amending Section 6, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; amending Subsection (a), Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, amending Subsections (d) and (e) of Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 50, of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature, and as further amended by Section 13 of Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth

Legislature; by adding to Article II thereof a new Section to be known as Section 10½A, conferring upon cities and towns in this State the power to impose additional regulations upon the sale of alcoholic beverages; amending Section 23, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by adding thereto a new subdivision to be known as (n), allocating the revenues derived from the sale of beer; amending Section 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended, so as to clearly prescribe penalties for violations of said Act; making appropriations; providing a savings clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 72, Granting L. L. White, his heirs, executors, and administrators permission to bring suit against the State of Texas and the Highway Commission of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 564, "An Act amending Subdivision (b) of the first paragraph of Article 2529 of the Revised Civil Statutes of Texas of 1925, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation provided both principal and interest of said bonds are guaranteed by the United States Government; declaring that all laws in conflict herewith are hereby repealed;

fixing the effective date of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 883, "An Act to amend Article 6704 of the Revised Civil Statutes of Texas of 1925, by adding thereto a new subdivision to be known as subdivision 4, permitting, empowering and authorizing Commissioners' Court of any county containing a population of not less than five thousand, six hundred and ninety (5,690) nor more than five thousand, seven hundred and fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second, or third class roads within their respective counties in accordance with plans and specifications prepared and approved by the Commissioners' Court of said county; and further permitting, authorizing, and empowering said Commissioners' Court to construct said cattle guards on any such roads and pay therefor out of the road and bridge funds of said county and making it a penal offense for anyone to construct any cattle guard on such roads not in accordance with said approved plans and specifications as prepared and approved by said Commissioners' Court; providing a suitable penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 84, "An Act so as to make it unlawful for any person to place, set, drag, or use any seine, net, or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trotline, setline, or casts net with a spread of not more than nine (9) feet, or a minnow seine of not more than twenty (20) feet in length

for catching bait or have in his possession any seine, net, or trawl without a permit issued by the Game, Fish and Oyster Commission, in or on the waters of Matagorda Bay east of the Colorado River; providing for the use of spear or gig and light for taking flounder in these waters; repealing all laws or parts of laws in conflict herewith; providing when this Act shall take effect; providing for confiscation of nets, seines, and other tackle for evidence; and providing for penalties; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 166, "An Act providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town located in any county having a population of not less than one hundred and twenty thousand (120,000) and not more than one hundred and thirty-three thousand (133,000) as shown by the last preceding United States Census which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 461, "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760), and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 93, Providing for certain corrections to H. B. 391.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 97, Requesting the Senate to return House Bill No. 906 to the House for further consideration.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 98, Recalling House Bill No. 310 from the Governor's Office.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 633, "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 142, "An Act to amend H. B. No. 646, Acts of the Forty-fifth Legislature, Regular Session, providing that persons, firms, corporations, common carriers or associations who operate or conduct hotels or any public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind, is manufactured, transferred, prepared, stored, packed, served, sold or otherwise handled in this State shall not work, employ or keep in their employ directly or indirectly, in, on, or about any said place or vehicle, any person who is infected with any transmissible condition of any infectious or contagious disease; providing that all employees shall be actually examined by a legally licensed physician within one week prior to the time of employment; providing that actual examinations shall be made, by legally licensed physicians, of all employees at intervals of time not exceeding six months; providing that persons who prepare, for the purpose of sale, food or drink of any kind, and any vendor of foods or drink, shall submit to examination, providing further, that it shall be unlawful for manufacturers or vendors of candy or manufactured sweets, to knowingly consign, sell, or furnish such products to individuals for the purpose of resale at or from their private residences, who do not have sanitary storage or show cases for the purpose of protecting the said products from all unsanitary conditions, and who do not display valid

health certificates issued by a legally licensed physician residing in the county where the said employee, consignee or person securing the said products is conducting his business, to show that each person living or working in such private residence has been actually examined by the said physician and that each was found free of any transmissible condition of all infectious and contagious diseases; providing that no person shall, for the purpose of resale, deliver such candies or manufactured sweets to a private residence without first ascertaining that valid health certificates have been issued each person living or working therein and that a sanitary show case or storage container is provided for the protection of all such articles; providing for certain requisites to all health certificates; providing for the display thereof; granting certain authorities the right to establish certain rules, regulations and ordinances; providing that any employer's failure to display at place of business, valid health certificates for each person employed shall constitute prima facie evidence that examinations were not required of such employees; repealing all laws in conflict herewith, but saving to the State the right to prosecute for violations prior to repeal; prescribing a penalty for any violation of this Act and prescribing that any Act or omission in violation of any Article shall constitute a separate offense; providing, that if any particular section or portion of this Act is held unconstitutional or inoperative, such shall not affect any other section or portion of this Act and declaring certain legislative intent, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 365, "An Act authorizing the Commissioners' Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700), any county having a population of not less than five thousand, six

hundred and sixty (5,660) and not more than five thousand, six hundred and seventy-five (5,675), any county having a population of not less than six thousand, three hundred and ten (6,310) and not more than six thousand, three hundred and twenty-five (6,325), any county having a population of not less than eight thousand, five hundred and ninety (8,590) and not more than eight thousand, six hundred and twenty-five (8,625), any county having a population of not less than twelve thousand, one hundred and fifty (12,150) and not more than twelve thousand, two hundred (12,200), any county having a population of not less than eighteen thousand, four hundred and thirty (18,430) and not more than eighteen thousand, four hundred and fifty (18,450), and any county having a population of not less than forty thousand, nine hundred (40,900) and not more than forty thousand, nine hundred and five (40,905) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five Dollars (\$25.00) per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 873, "An Act making provisions for salaries of chief deputy in the office of Sheriff, Tax Collector and Assessor in certain counties; authorizing Commissioners Court to pay salaries; providing mode and manner of paying salaries; repealing all laws and parts of law in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 391, "An Act amending House Bill No. 80, Chapter 28, page

91, Acts of the Forty-second Legislature, Third Called Session, regulating the taking of fish and shrimp in the tidal waters of this State; providing that it shall be lawful to use strike nets, gill nets, trammel nets, or shrimp trawls in certain of the open waters of East Galveston Bay in the Counties of Galveston and Chambers during the period beginning August 15th and ending May 15th of each year; making it unlawful to use strike nets, gill nets, trammel nets or shrimp trawls in certain other of the open and abutting waters of East Galveston Bay; making it unlawful to use certain nets, contrary to the provisions of Chapter 119, page 269, Acts of the Regular Session of the Forty-first Legislature; providing that it shall be unlawful to have in possession any seine, strike net, gill net, trammel net, or shrimp trawl in or on any of the tidal waters of this State where said seines, nets, or trawls are prohibited from being used in taking fish or shrimp unless same is on board a vessel when in port or en route to or from the Gulf of Mexico; providing for seizure of said seines, nets, or trawls by officers of the State and for trial of defendant; providing for destruction of said seines, nets, or trawls in certain instances; fixing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 892, "An Act providing for the excluding of land from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practicable manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation

in a practicable manner, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 17, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 170, "An Act providing for a more adequate and equitable salary and certain expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than fifty thousand (50,000) and not more than fifty-one thousand (51,000), according to the last preceding Federal Census; in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765) and not more than thirty-eight thousand, seven hundred and seventy-five (38,775), according to the last preceding Federal Census; in counties having a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630), according to the last preceding Federal Census; in counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800), according to the last preceding Federal Census; in counties having a population of not more than seventy thousand (70,000), according to the last preceding Federal Census and having at least two (2) incorporated cities within their boundary, a population of more than thirteen thousand, eight hundred (13,800) each, according to the last preceding Federal Census; in counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census; in all counties in Texas having not less than twenty-three thousand, three hundred (23,300) nor more than twenty-three thousand,

four hundred (23,400) population, according to the last preceding Federal Census; in all counties having not less than seventeen thousand, six hundred (17,600) nor more than seventeen thousand, six hundred and fifty (17,650) population, according to the last preceding Federal Census; in all counties having not less than fifteen thousand, seven hundred (15,700) nor more than fifteen thousand, seven hundred and thirty (15,730) population, according to the last preceding Federal Census; in counties having a population of not less than thirty thousand, two hundred and seventy-five (30,275) nor more than thirty thousand, three hundred (30,300), according to the last preceding Federal Census; in counties having not less than eighteen thousand (18,000) nor more than eighteen thousand, five hundred (18,500), according to the last preceding Federal Census; providing office and traveling expenses in certain counties; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the general law; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

April 17, 1939

House Bill No. 142.
House Bill No. 84.
House Bill No. 564.
House Bill No. 461.
House Bill No. 883.
House Bill No. 892.
House Bill No. 166.
House Bill No. 873.
House Bill No. 365.
House Bill No. 170.
House Bill No. 633.
House Bill No. 391.
House Concurrent Resolution No. 97.
House Concurrent Resolution No. 93.
House Concurrent Resolution No. 98.

In Memory of

Honorable J. Hamilton Lewis

Mr. Bradbury offered the following resolution:

H. S. R. No. 232, In memory of Honorable J. Hamilton Lewis.

Whereas, There has been called from the walks of life and the councils of men one of the Nation's most brilliant and outstanding men, Senator J. Hamilton Lewis, of Illinois, whose life typifies that of a real American in that he struggled as a young man as a longshoreman of the Seattle docks, and by his courage, his alert mind and his statesman policies, fought his way to one of the most powerful positions in the Government of the United States.

Whereas, He served in the Congress of the United States from the State of Washington and later he served in the Senate from the great State of Illinois during the Woodrow Wilson Administration, and later he was returned to the Senate in 1930 and also re-elected in 1936, and he was serving in that distinguished body at the time of his death.

Whereas, In his last speech in the Senate of the United States, delivered January 25, 1939, he summarized in his brilliant and characteristic manner, the thought that now dwells in the minds of millions of the citizens of this Republic, when he said,

"There is only one course for America, to obey the law. Far from removing the embargo, our course should be to tighten it. Let us not allow people interested in one side or the other to draw us into a war that would be another World War."

Whereas, While he served in the Senate of the United States as Democratic Whip for that body and as one of the leaders of the Democratic Party, he provided wise council for said party and his Country, now, therefore, be it

Resolved by the House of Representatives of Texas, That we do regret the passing of this great and brilliant statesman, we know his place will be difficult to fill, that we express our heartfelt sympathy to his family and friends; and, be it further

Resolved, That a copy of this resolution be sent to the members of his family and a copy to the President of the United States.

BRADBURY,
BURNEY,
KERN,
DERDEN,
THORNBERRY,
McNAMARA,
ROBINSON,
HARRIS,
COCKRELL,
REAVES.

The resolution was read second time, and was unanimously adopted.